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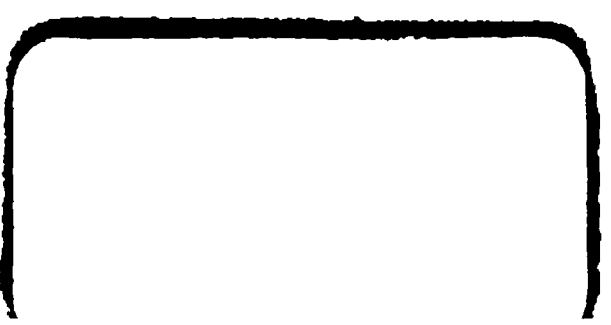
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3



(Ringard)
CB.

HISTORY OF ENGLAND,

FROM THE FIRST

INVASION BY THE ROMANS.

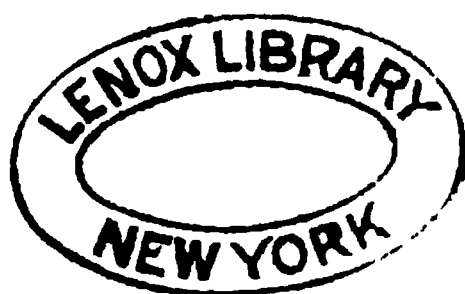
BY JOHN LINGARD, D.D.

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HISTORY

OF

ENGLAND.

CHAP. I.

JOHN,

SURNAMED SANSTERRE, OR LACKLAND.*

CONTEMPORARY PRINCES.

<i>Emper. of Ger.</i>	<i>K. of Scotland.</i>	<i>K. of France.</i>	<i>Kings of Spain.</i>	<i>Popes.</i>
Philip 1208. Otto IV.	William 1214. Alexander II.	Philip Augustus.	Alphonso IX. 1214. Henry I.	Innocent III. 1216. Honorius III.

ACCESSION OF JOHN—CAPTIVITY AND DEATH OF HIS NEPHEW—
LOSS OF NORMANDY, ANJOU, AND MAINE—CONTROVERSY WITH
POPE INNOCENT—INTERDICT—THE KING'S SUBMISSION—DE-
MANDS OF THE BARONS—GRANT OF MAGNA CHARTA—RENEWAL
OF THE CIVIL WAR—JOHN OBTAINS THE SUPPORT OF THE POPE
—THE BARONS OFFER THE CROWN TO LOUIS OF FRANCE—THE
KING DIES.

RICHARD had left no legitimate issue.† In the strict order of hereditary succession, the crown at his death should have devolved to his nephew Arthur, the son of Geoffry, and duke of Bretagne, a boy in the twelfth year of his age. Formerly the young prince had been declared heir apparent:

John ap-
pointed
successor
by Richard.
1190.

* This was the usual appellation of younger sons, whose fathers died during their minority. They could not possess fiefs, till they were of age to do the services attached to them, which by law was fixed at twenty-one years.

† He had a natural son called Philip, who, the same year, murdered the viscount of Limoges, because he had been the occasion of Richard's death. Hoved. 452.

but his mother Constantia by her indiscretion and caprice contrived to alienate the mind of his uncle, while the aged and politic Eleanor laboured with assiduity to draw closer the bonds of affection between her two sons. Under her guidance, John had almost obliterated the memory of his former treasons, and in reward of his fidelity, had obtained from his brother the restoration of a large portion of his estates. When Richard lay on his death-bed, the claim of Arthur seems to have been forgotten. He declared John his successor, bequeathed to him three-fourths of his treasures, and required all present to do him homage.*

Obtains
Aquitaine
and Nor-
mandy. Eleanor was still considered as rightful "lady" of the provinces, which she had inherited from her father. By public instruments she transferred to John the homage, fealty, and services of the people of Aquitaine and Poitou, who acquiesced without a murmur in the dominion of their new master.† In Normandy he was equally fortunate. Not a voice was raised against him: and he received without opposition the ducal coronet and sword from the archbishop of Rouen. But the natives of Maine, Touraine, and Anjou, espoused Apr. 25. openly the claim of Arthur. John for the present was satisfied with taking summary vengeance, and sacked the two cities of Mans and Angers. His opponents found a powerful though treacherous protector in the king of France, to whom Constantia had intrusted the person and interests of her son.‡

Acknow-
ledged in
England. In England, as the reader must already have noticed, not only the form, but much of the spirit, of an elective monarchy had been hitherto retained. Since the conquest five kings had ascended the throne; and four of these rested their principal title on the choice of the people. After the death of Richard, men were divided between the rival claims of John and of Arthur. Archbishop Hubert, William Marshal, and the justiciary Fitz-Peter, in consequence of Richard's last will, had commanded all freemen to swear allegiance to John: but they were alarmed by the hesitation which seemed to prevail among the prelates and barons, many of whom during the preceding reign had deserved the enmity, or had been en-

* Hov. 449.

† See one of those instruments in Rymer. i. 112. John did her homage for the gift, and then restored it to her during her life. It was agreed that neither should make alienations without the consent of the other. See also Rymer, i. 110, 111.

‡ Hoved. 450. Paris, 164, 165.

riched by the forfeiture, of that prince. A great council was held at Northampton: threats and promises were artfully employed to awaken the fears, and encourage the hopes, of the more reluctant: and at last a unanimous resolution was procured to swear fealty to John, on the condition that he should respect the present rights of each individual. On this intelligence, he repaired to England, and was crowned with the usual solemnity at Westminster. The primate opened the ceremony with a remarkable speech, intended to justify the exclusion of Arthur. The crown, he observed, was not the property of any particular person. It was the gift of the nation, which chose, generally from the members of the reigning family, the prince, who appeared the most deserving of royalty in the existing circumstances. They had that day assembled to exercise this important duty, and had chosen for their sovereign John, earl of Mortaigne, brother to the deceased monarch. To these principles John signified his assent.*

The French kings had long cast a wishful eye towards the provinces possessed by the English monarchs in France. If the ambition of Philip shrunk before the superior prowess of Richard, it expanded again at the accession of his weak and pusillanimous brother. With Arthur in his possession, he determined to fight his own battles, while he pretended to support the cause of an injured orphan: and having conferred the sword of knighthood on the young prince, he traversed Normandy, burnt Evreux, and placed garrisons in the fortresses of Anjou, Maine, and Touraine. An uninteresting war ensued: the war, at the solicitation of the cardinal Peter of Capua, was suspended by an armistice; and the armistice terminated in a peace, which did

War with
France.

* Hoved. 451. Paris, 165. In the preamble, however, to a law which was published a few days later (June 7) at Northampton, he was careful to unite both his titles. God had raised him to the throne, which belonged to him by hereditary right, through the unanimous consent and favour of the clergy and people. Leg. Sax. 354.—The object of this law, said to have been passed at the proposal of archbishop Hubert the chancellor, was to reduce the fees in the chancery to their ancient standard. It was enacted that for a writ granting the king's peace, the fee should be lowered from 18s. 4d. to 2s.; for a confirmation of a former charter, from 8l. 5s. to 18s. 4d., of which latter sum the chancellor was to receive a mark, the vice-chancellor and prothonotary 2s. each, and 12 pence was to be paid for the wax:—and for a charter of new enfeoffment, a mark of gold or ten marks of silver to the chancellor: to the vice-chancellor and prothonotary a mark each, and 5s. for the wax. Ibid. Hence it appears that the price of gold had risen. One mark of gold was of equal value with ten of silver. From Madox we learn that in the reigns of Stephen and Henry II. their relative value was as nine to one. Madox, c. ix.

Peace.
May 23,
1200.

little honour to either of the two monarchs. Philip sacrificed the interests of Arthur, acknowledged John for the rightful heir to his late brother, and compelled the young prince to do homage to his uncle for the dutchy of Bretagne. But the English king had purchased this advantage by the cession of Evreux to Philip, by the payment of twenty thousand marks as the "relief" for his succession, and by the transfer of several valuable fiefs to Louis, the son of Philip, as the marriage portion of his niece Blanche of Castile, who was immediately married to the French prince. That these transactions might be valid, according to the principles of the feudal jurisprudence, a curious farce was enacted. John had never performed that homage, which was requisite to entitle a vassal to the legal possession, and consequently to the power of disposing, of his estates. Philip, therefore, though he was already master by conquest of several of the places ceded by the treaty, restored them to the English king; who first did homage and swore fealty to his sovereign lord, and then, being thus lawfully seized of his foreign dominions, transferred the stipulated portions with the proper ceremonies to Philip and Louis. Their former friendship now seemed to revive: and when John visited Paris, the French king resigned his own palace for the accommodation of his brother of England.*

Philip divorced.

Had John possessed the spirit and enterprise of Richard, he might have obtained very different terms from Philip, who at that moment was engaged in a warm and dangerous controversy with the pontiff Innocent III. Several years before, while Richard was in captivity, he had solicited the hand of Ingelburga, the beautiful sister of the king of Denmark. Ingelburga was conducted to Amiens: the ceremony of her marriage was immediately followed by that of her coronation: and the next morning Philip, to the astonishment of the world, required her attendants to convey her back to her brother. On their refusal she was sent to a convent: and a divorce was pronounced by the archbishop of Rheims under the pretence of affinity, as she was cousin to Philip's deceased wife. The king, though his offers were contemptuously rejected by several princesses, at length found a woman who dared to trust to his honour, in

* *Hov.* 452. 454. 456. *West.* 264. *Rigord.* 44. Blanche was daughter to John's sister Eleanor, who had borne her husband, Alphonso of Castile, three sons and four daughters.—During this year the king published a law at Hastings asserting his dominion over the British seas, and ordering all foreign ships to strike their topsails to his flag under the penalty of capture and confiscation. *Selden, Mare clausum.* ii. 265.

Agnes, the daughter of the duke of Moravia. They were married, and continued to cohabit, in defiance of the prohibition of pope Celestine, who had annulled the sentence of the archbishop. To Celestine succeeded Innocent, a pontiff, who to the vigour of youth and an unsullied purity of character added the most lofty notions of the papal authority, and a determination to restrain the excesses and immorality of the different princes of christendom. At the request of the king of Denmark he espoused the cause of Ingelburga: and his legate, the cardinal Peter, laid the dominions of Philip under an interdict. This was to punish the innocent for the guilty: but it had the effect of subduing that obstinacy, which had been proof against the considerations of honour and conscience. Unable to enforce disobedience to the interdict, and assailed by the clamours of his subjects, Philip consented to dismiss Agnes, to treat Ingelburga as queen, and to submit to the revision of the original sentence. In the council of Soissons the beauty and tears of the Danish princess pleaded forcibly in her favour: the objections of her opponents were easily refuted; and the legate had prepared to pronounce judgment, when Philip informed him that he acknowledged the validity of the marriage. Ingelburga derived at the time little benefit from her victory. With the title of queen she was confined in a fortress, and strictly debarred from the society of any but her own women. After some years they were reconciled.*

1200.
Jan.

Aug. 7.

1201.
Mar.

The failure of Philip in this attempt to sport with the matrimonial contract, did not deter John from following his example. Twelve years had elapsed since his marriage with Hadwisa or Johanna, the heiress to the earldom of Gloucester. Interest, not affection, had brought about their union: but her estates, however valuable to the earl of Mortaigne, were of little consequence to the king of England: and a sentence of divorce on the usual plea of consanguinity was readily granted by the archbishop of Bourdeaux. John immediately sent ambassadors to Lisbon to demand the princess of Portugal: but before he could receive an answer, saw by accident Isabella, daughter to Aymar, count of Angouleme, who had been publicly promised, and privately espoused, to Hugh, count of La Marche. The king was captivated by her beauty: the glare of a crown seduced the faith of the father and his daughter: and the unexpected marriage of Isabella and John deprived the princess

John divorced.

of Portugal of a husband, the count de la Marche of a wife.

1200.

Oct. 8.

The complaints of the one and the threats of the other were equally disregarded. John conducted his bride in triumph to England, and was crowned with her at Westminster by the primate.*

Captivity of
Arthur.

It is from this inauspicious marriage that we must date the decline of the Plantagenet family. When Isabella was seduced from her husband, John was lord of the French coast from the borders of Flanders to the foot of the Pyrenees: in three years he had irrevocably lost the best portion of this valuable territory, the provinces which his predecessors had inherited from William of Normandy, and Fulk of Anjou. The sword of the count de la Marche was indeed too feeble to inflict any serious injury. The arrival of John soon restrained his predatory incursions: and a summons to appear with his partisans in the king's court warned him to look round for protection. He appealed to the justice of Philip their common lord; nor was that prince sorry that the tergiversation of John afforded him a pretext for humbling so powerful a vassal. The

1202.

provisions of the late treaty were instantly forgotten: the discontented barons hastened to join the banner of the French king: fortress after fortress surrendered to the confederates: and the heart of John sank in despondency, when an unexpected event arrested the progress of his enemies, and gave him a temporary superiority. Eleanor, the queen mother, was lodged in the castle of Mirabeau in Poitou. Its garrison was as weak as its defences were contemptible: and the glory of making her a prisoner was allotted to the young Arthur her grandson. Accompanied by the barons of the province he invested Mirabeau. The gates were easily forced; but the queen, retiring into the tower, refused to capitulate, and found means to acquaint her son

Aug. 1.

with her danger. John, roused from his apathy, flew to her relief; routed the enemy who came out to oppose him; entered the walls together with the fugitives; and after a sharp conflict compelled the survivors to ask for quarter.

* Hoved. 457. 461. Paris. 168. At this time all the nations of Christendom were thrown into consternation by the commentators on the apocalypse, who do not appear to have been better gifted with the spirit of prophecy than their more recent successors. They taught that at the end of the year 1200 expired the term of 1000 years, during which the devil was to be bound in the bottomless pit (Rev. xx. 1—3): and left it to the imagination of their hearers to conceive the confusion he would cause, and the horrors he would perpetrate, now that he was at liberty. Quod si diabolus ligatus, says Hoveden, tot et tanta intulerit mala mundo, quot et quanta inferet solutus? Precemur ergo, &c. Hoved. 465.

Among the captives was the young duke of Bretagne, whom he placed under a strong guard in the castle of Falaise. The rest of the prisoners he sent to England: and Philip, having burnt the city of Tours, returned to Paris.*

Aug. 1.

This sudden alteration of fortune had placed in the king's hands the fate of his rival. If the voice of humanity pleaded loudly in favour of a nephew and orphan, an erroneous policy objected the danger of permitting a prince to live, who as he now claimed, might on some future occasion obtain, the crown. It does not, however, appear that John fixed at first on the dreadful expedient of assassination. He visited his captive, exhorted him to desist from his pretensions, and represented the folly of trusting to the friendship of the king of France, the natural enemy of his family. To this admonition the high spirited youth answered, that he would resign his claim only with his breath: and that the crown of England together with the French provinces, belonged to himself in right of his father. John retired pensive and discontented: Arthur was transferred to the castle of Rouen, and confined in a dungeon of the new tower. Within a few weeks he had disappeared. If the manner of his death could have borne investigation, John for his own honour would have made it public. His silence proves that the young prince was murdered. Report ascribed his fate to the dagger of his uncle: but the king of England could surely have hired an assassin without actually dipping his hands in the blood of a nephew.† His niece Eleanor, the sister of Arthur, and commonly called the maid of Bretagne, was sent to England, and placed under the most rigorous confinement, that she might not, by marrying some foreign prince, raise up a new competitor for the succession of her father.‡

His death.

It is unfortunate that at this interesting crisis we are deserted by the contemporary annalists, who led us through the preceding reigns, and are compelled to rely on the authority of writers,

Confederacy against John.

* Paris 174. West. 264. Twenty-two of the captives were starved to death in Corfe castle. Ann. de Marg. 13. Eleanor herself lived two years longer, and died in 1204. Mailros, 181.

† Subito evanuit, modo fere omnibus Ignorato, utinam non ut fama refert invida. Par. 174. Cito post evanuit.—Rex suspectus habebatur ab omnibus, quasi illum manu propria occidisset. West. 264. Feria quinta ante Pascha propria manu interfecit. Ann de Marg. 13. Will. Brito says, he took Arthur into a boat, stabbed him twice with his own hand, and threw the dead body into the river about three miles from the castle. Philipid. l. vi. p. 167.

‡ Chron. Tho. Wik. 36.

who lived at a later period, and whose broken and doubtful notices cannot furnish a connected or satisfactory narrative.* After a short pause the whispers of suspicion were converted into a conviction of the king's guilt. The Bretons immediately assembled, swore to be revenged on the murderer, and proceeded to settle the succession to the dukedom. Guy of Thouars entered the meeting, carrying in his arms a child of the name of Alice, his daughter by Constantia, whom he had married after the death of her first husband. The princess was acknowledged without prejudice to the right of Eleanor now in the custody of her sanguinary uncle; and Guy was appointed her guardian, and governor of the dutchy. The bishop of Rennes then hastened to Paris to accuse the English king of the murder; and Philip gladly summoned him to prove his innocence in the presence of the French peers. John, however, refused: and the court pronounced judgment, that "whereas John, duke of Normandy, in violation of his oath to Philip his lord, had murdered the son of his elder brother, a homager of the crown of France, and near kinsman to the king, and had perpetrated the crime within the signiory of France, he was found guilty of felony and treason, and was therefore adjudged to forfeit all the lands which he held by homage."†

To execute this sentence, Philip on the one side, and the

* It is singular that the works of Diceto, Benedict, Gervase, Newbriensis, Brompton, and Hoveden, should all end about this period. Paris is the next in time, but at John's accession he was so young, that he can hardly be termed a contemporary writer. He transcribed, indeed, Wendover; but Wendover's account of this period is very imperfect.

† West. 264. Ann de Marg. 13. During this year the assize of bread was fixed throughout the realm on the principle, that in a quarter of wheat (supposed to weigh 512 pounds, Rudborn, 257), the baker, after deducting every expense, should make a clear profit of three pennies. A scale was made of the price of wheat from 2s. the quarter the lowest, to 6s. the highest, price known: and opposite each price was fixed the corresponding weight of the quarter loaf, or loaf to be sold for one farthing (*Paris venalis formatus pro quadrante*. Consuet. Dunstap. xxxix). Thus:

Quarter of wheat.	Loaf of white bread.			Loaf of brown bread.		
s.	lb.	oz.	dwt.	lb.	oz.	dwt.
6	0	9	12	1	2	8
5	1	2	8	1	7	4
4	1	9	12	2	3	12
3	2	4	16	3	2	8
2	3	0	0	4	0	0

The pound was the money pound divided into 20 shillings or 240 pence, otherwise 12 ounces, and 240 pennyweights. Paris, 175. Leg. Sax. 359. In 1256 a new assize was fixed from the price of one shilling to 12s. the quarter: and as the profit of the baker was fixed at a lower sum, the weight of the loaf was rather augmented. See Annal. Burt. 365.

Bretons on the other, entered John's dominions. After the reduction of several minor fortresses, it was resolved to besiege Chateau Gaillard, a strong castle built by the late king on a rock hanging over the Seine. Though John was at the head of a numerous army, he seemed ashamed to show his face to the enemy; and the task of relieving the besieged devolved on his general, the earl of Pembroke. A bridge of boats, which had been thrown across the river, effectually prevented the arrival of supplies to the garrison. To break through this obstacle, the earl planned a combined attack by land and water. He reached the French camp in the night at the hour appointed; and by the vigour of his assault threw the whole army into confusion. But the flotilla of seventy small vessels, which had been compelled to row against the wind and the current, arrived only in the morning in time to witness the repulse of the earl; and retired hastily from the threatened attack of a victorious enemy. This was the last effort which the king made in defence of his foreign possessions. If we may believe the accounts which have been transmitted to us, he sought to drown the voice of his conscience in scenes of merriment and debauchery. At Rouen, amidst a gay and voluptuous court, he affected to laugh at the progress of the confederates, and openly boasted that in one day he would teach them to regret the success of a whole year. Thus while his strongest defences were crumbling around him, the infatuated monarch appeared to slumber secure in the lap of pleasure, till the reduction of Radipont, in the vicinity of Rouen, awakened him from his lethargy, and induced him to flee with precipitation to England.*

He retires
to England.
1203.

Perhaps, if it were possible to consult some contemporary historian, we might discover the true reason of John's inactivity. He certainly did not acquiesce in his loss with indifference. He complained loudly of the perfidy of his opponents: he reclaimed the intervention of the pope, to compel Philip by ecclesiastical censures to observe his oaths;† and he raised

Solicits the
aid of the
pope.

* Paris, 175. West. 265.

† Innocent entered warmly into the cause, and appointed the archbishop of Bourges, and the abbot of Casamaggiore his legates to *decide* the controversy between the two kings. But what right had he to interfere in this authoritative manner? The reader shall learn from one of his letters, which shows, more plainly than any speculations of modern writers, the real ground on which the popes assumed their pretended authority in temporal matters. — He first transcribes the following passage from the gospel: "if thy brother trespass against thee, go and tell him his fault between him and thee alone . . . and if he will not hear thee, then take with thee one or

forces and money both in England and Ireland to carry on the war. Probably neither his foreign nor English barons were true to his interests. Many of the former he punished by the forfeiture of their lands in England, and of the latter by exacting from them a seventh of their income. Yet when he had collected a numerous army at Portsmouth, they unanimously informed him by the mouth of Archbishop Hubert, that they would not embark.*

Loses Nor-
mandy.

1204.

Mar. 6.

At length, after a siege of several months, and when the garrison had been reduced by the casualties of war, and the ravages of famine, to less than two hundred men, the gallant Roger de Lacy surrendered Chateau Gaillard to the king of France. Falaise, a place equally strong, and the bulwark of lower Normandy, was given up by the treachery of Lupercaire the governor, who with his mercenaries entered into the service of Philip. Still the citizens of Rouen, Arques, and Verneuil, animated by an hereditary hatred of the French, resolved to oppose the invaders; concluded a league for their common defence; and implored by messengers the aid of the king of England. Rouen was soon invested: a refusal of assistance from John threw the citizens into despair: and an offer of conditional

two more . . . and if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as an heathen man, and a publican." Matt. xviii. 15—17. "Now," he proceeds, "the king of England maintains that the king of France, by enforcing the execution of an unjust sentence, has trespassed against him. He has therefore admonished him of his fault in the manner prescribed by the gospel; and meeting with no redress, has, according to the direction of the same gospel, appealed to the church. How then can we, whom divine Providence has placed at the head of the church, refuse to obey the divine command? How can we hesitate to proceed according to the form pointed out by Christ himself? . . . We do not arrogate to ourselves the right of judgment as to the fee: that belongs to the king of France. But we have a right to judge respecting the sin; and that right it is our duty to exercise against the offender, be he who he may. . . . By the imperial law it has been provided, that if one of two litigant parties prefer the judgment of the apostolic see to that of the civil magistrate (*Apud Grat. caus. ii. 9. 1. can. 35*), the other shall be bound to submit to such judgment. But if we mention this, it is not that we found our jurisdiction on any civil authority. God has made it our duty to reprehend the man who falls into mortal sin, and if he neglect our reprehension, to compel him to amend by ecclesiastical censures. Moreover both kings have sworn to observe the late treaty of peace: and yet Philip has broken that treaty. The cognizance of perjury is universally allowed to belong to the ecclesiastical courts. On this account, therefore, we have also a right to call the parties before our tribunal." *Cap. Novit. 13. de judiciis*. The importance of this extract must plead for its length. It is needless to add, that the pope's reasons did not convince the king, or the clergy of France, and that the mission of the two legates was totally useless.

* Paris, 175, 176. West. 265.

submission was made to the French king. It was stipulated that unless a peace should be concluded, or the enemy be driven from the walls within thirty days, Philip should be admitted as immediate lord of Rouen, and the citizens should continue to enjoy their accustomed immunities. Arques and Verneuil accepted the same terms; and, in like manner, opened their gates on the appointed day: Anjou, Maine, and Touraine followed the example of Normandy; and thus by the guilt, or indolence, or bad fortune of John were these extensive and opulent provinces re-annexed to the French crown after a separation of two hundred and ninety-two years.*

But, if the king had neglected to preserve, he seemed resolved to recover, his transmarine territories. Guy de Thouars began to fear the preponderance of Philip: and a confederacy was formed between him and John, who at the head of an English army, disembarked at Rochelle. He immediately invested the castle of Montauban, and was able to boast that he had reduced in a few days a fortress which Charlemagne had not taken in seven years. He proceeded to Angers, and once more burnt that unfortunate city. But from this state of exertion his mind relapsed into its usual irresolution and apathy. He raised the siege of Nantes to offer battle to Philip: when the armies came within sight, he proposed a negociation; and as soon as the negociation was opened, slunk away with his army, and returned to England. Philip affected to resent the transaction: but at the earnest solicitation of the pope's legate, consented to an armistice for two years.†

June 1.

Attempts to
recover it.

1206.

July 10.

Aug. 1.

Dec. 12.

This unfortunate contest with the French king was followed by another with the Roman pontiff, differing indeed in its object, but equally disgraceful in its result. The reader has seen that our kings at their

Election of
bishops.

* Paris, 178. West. 265, 266. Duchesne, Scrip. Norm. 1057.—The coin had been much diminished in weight during the last reigns: and in a great council held in October it was enacted, that in loans of money and transactions between merchants, no pennies should pass but such as were of full weight. But for the relief of the poor it was also determined, that in the markets for the purchase of provisions and clothing, the ancient coin, if it had not lost more than one-eighth of its weight, should be a lawful tender: a regulation which would probably have no other effect than to raise the price of such articles. Another coinage was to be issued in the beginning of the year, and whoever was found to have any new pennies in his possession that had been clipt or filed, was to forfeit his goods and chattels to the king. Leg. Sax. 360.

† Paris, 180. West. 267.

coronation promised upon oath to maintain the immunities of the church, among which was numbered the right claimed by the chapters of choosing their prelates. It was a right, however, which the prince viewed with jealousy, and which he invaded without difficulty. The bishoprics offered the cheapest means of remunerating the clergymen in his service; and, as the baronies annexed to them gave their possessors considerable influence in the state, his interest demanded that they should not be bestowed on his enemies. Hence, while he permitted the form of election to exist, he was in general careful to retain the real nomination in his own power. It was required that the choice of the chapter should be preceded by the royal license, which afforded the king the opportunity of recommendation; and that it should be followed by the presentment of the bishop elect for his approval, which allowed him in reality the exercise of a veto. Thus far, however, the practice in England was conformable to the practice of most christian countries: in one point it differed from that of all others. Several of the cathedral churches had been originally settled in monasteries, and still continued to be served by monks, who claimed and exercised all the rights of the chapters: a singular and incongruous institution, since it referred the choice of the bishops to men, who by their utter seclusion from the world were the least calculated to appreciate the merits of the candidates, or to judge of the qualifications requisite for the office.

With respect to the other sees this interference of the monks was perhaps of minor importance: but the archbishop of Canterbury enjoyed so elevated a station in church and state, that his election interested both the king and the prelates. The latter, grounding their pretensions on the more ancient discipline, claimed a right, if not of exclusive, at least of concurrent, election: but that right was fiercely denied by the monks of Christ church, whose priors on more than one occasion protested that they would rather lose their lives, than acquiesce in the violation of the most glorious of their privileges. At the death of each archbishop the contest began: and both parties had recourse to every expedient which policy could suggest. The king always confederated with the prelates: but the monks fought their own battle with spirit and perseverance. To subdue their obstinacy, threats and promises and flattery were employed: that they might be weakened by separation, the place of election was often fixed at a distance, where the right could be exercised by a few only acting in the name of the whole body: and the object of their choice, unless he were the person recommended by the king,

and elected by the bishops, was uniformly refused. Still, though they might ultimately be compelled to yield, they always yielded in such manner, as not to acknowledge, by their acquiescence, the exercise of the right claimed by the prelates.* These preliminary notices were requisite, that the reader may fully understand the nature of the controversy which will follow.

As soon as the death of archbishop Hubert was known, the junior part of the monks assembled clandestinely in the night, and placed Reginald, their sub-prior, on the archiepiscopal throne. To this election they were aware that a strong opposition would be made. They had not asked the royal license; and had proceeded without the concurrence of the episcopal body. Their only hope of success depended on the approbation of the apostolic see. Reginald was accordingly sent to Rome: but the motive of his journey was anxiously concealed; and an oath was exacted that he would not divulge the secret, till he had sounded the mind of the pontiff. But the vanity of the monk subdued his prudence: and he was no sooner out of the English territory, than he assumed the title of archbishop elect. The wiser part of the brotherhood, foreseeing the difficulties, into which they would be precipitated by this rash and informal act, resolved to disregard the choice, which had been made of Reginald, as invalid; and asked the requisite permission to proceed to an open and legitimate election. As soon as it arrived, they chose, according to the royal recommendation, John de Gray, bishop of Norwich. He was enthroned in the king's presence, and immediately received from John possession of the archbishopric. A deputation of twelve monks was sent to support his cause at the court of Rome.†

1205.
July 13.
Election of
Reginald.

And of the
bishop of
Norwich.

The first care of Innocent on their arrival was to decide the controversy between the monks and the bishops. In favour of the latter it was urged, that according to the ancient discipline the metropolitan ought to be chosen by the bishops of the province, and that since the freedom of canonical election had been restored by Henry I. they had always concurred in the choice of the primate. The

Right of
election
given to the
monks.
1206.

* See the elections of Theobald (Gervase, 1348), of St. Thomas (Id. 1382), of Richard (Id. 1423. 1425), of Baldwin (Id. 1304. 1306. 1468—1474), and of Hubert (Id. 1583, 1584).

† Paris, 178, 179. West. 266.

monks replied, that the innovations which had been made under the Norman dynasty, were founded on force, and not on right: that during the four preceding centuries the election of the archbishop had been the exclusive privilege of their body; and that to reject their claim would be to condemn the fathers of the English church, and to annul the decisions of former pontiffs. After a long and patient hearing, the consistory was of opinion, that a privilege built on the

Nov. 20. prescription of ages, ought to be respected: and Innocent pronounced a definite sentence in favour of the monks.*

Reginald and bishop of Norwich rejected. 1207. The claims of the two pretenders to the primacy were next examined, and the result was equally unfavourable to both. The election of Reginald was annulled, because it was contrary to the canonical form: that of the bishop of Norwich, because it was made, before the nullity of the former had been definitively pronounced. This decision, which was in conformity with the jurisprudence of the age, had been foreseen: and the king had granted the deputies, before their departure, the permission to proceed to a new election, but at the same time had bound them on oath to choose John de Gray. It unfortunately happened that the pontiff had strong objections to his promotion. John was the confidential adviser of the monarch, one of his justiciaries, and so occupied with the administration of temporal affairs, that he had little leisure to attend to the spiritual government of his diocese. This was indeed an abuse, which had long prevailed in the English church, and had been severely condemned by several pontiffs. Innocent himself had compelled Hubert, the last primate, to retire from the government of the kingdom to the care of his diocese: nor could he now without inconsistency allow another minister to be placed on the archiepiscopal throne. Three thousand marks were offered to purchase his acquiescence: but he spurned the bribe with indignation, and adhered inflexibly to his purpose.

Langton chosen. There was at this time at Rome an Englishman of eminence, by name Stephen de Langton. He had taught with applause in the schools of Paris; and his merit had been rewarded with the chancellorship of that university, and with church preferment in England. His reputation had recommended him to Innocent, who invited him to Rome, and honoured him with the purple. It was on Langton that the pope fixed his eyes as

* Paris, 180. West. 266.

a proper person for the future archbishop: and it is plain that in making the selection he was actuated by the purest motive, that of placing at the head of the English church a prelate of indisputable science and virtue. He had even reason to flatter himself that the choice would not be disagreeable to John, who had frequently written to the cardinal in terms of the highest esteem. To obviate, however, all probable objections, he not only sent to request the king's permission that the monks might make the election at Rome, but when Stephen had been elected, despatched other envoys to solicit his approbation of the prelate elect. His letters, however, were detained at Dover; no answer was returned: and the cardinal, after a decent but fruitless delay, was consecrated at Viterbo by Innocent himself. It may have been imprudent and indecorous to force a prelate on the king without waiting for his consent: but it must be confessed that the whole proceeding was conducted according to the canons which at the time obtained the force of law, and with an attention to John's honour which was not usual at the court of Rome.*

June 17.

The bishop of Norwich, however, was unwilling to resign the object of his ambition; and by his interested councils plunged his master into a contest, to which, in his present depressed state, he was evidently unequal. No sooner was the consecration of Langton announced, than John wreaked his vengeance on the monks. They had been the cause of disappointment, first by their furtive election of Reginald, and secondly by their perfidious choice of Langton. A body of armed men drove them from their convent, compelled them to cross the sea, and took possession of their lands for the crown. Innocent by soothing letters endeavoured to mollify the king's resentment. He expatiated on the virtues and talents of the new primate; claimed the praise of moderation, for having waived his own right, and solicited the assent and approbation of the king; and promised, if John would acquiesce, to take care that the past transaction should not be converted into a precedent injurious to the prerogatives of the English crown. But the obstinacy of the monarch was not to be softened: he replied in terms of hostility and defiance; and avowed his determination that Langton should never set a foot in England in the character of primate.

Rejected
by the king.

* Paris, 187. 189. West. 267, 268. Langton's title was cardinal of St. Chrysogonus.

The interdict. The die was now cast; and the quarrel became a trial of strength between the power of the king and that of the pontiff. By the order of Innocent the bishops of London, Ely, and Worcester, waited on John, explained to him the nature of the censures to which he was exposed, and besought him on their knees to accept of the new archbishop. Though he had seen a greater prince than himself, the king of France, reduced to submit by the operation of an interdict, he was inexorable. He interrupted them with oaths and insults, derided the resentment of the pontiff, poured out the most cruel menaces against the clergy, and drove the bishops ignominiously from his presence. The middle of Lent was suffered to pass; John continued in his former resolution: Passion Sunday arrived; and on the next day the three prelates pronounced the sentence of interdict against all the king's dominions. To evade his resentment, they immediately fled to the continent.*

Its origin. The interdict was a form of ecclesiastical punishment unknown in the first ages of christianity. Some faint traces of it may be discovered about the year 560:† but it was not before the eleventh century that its use became frequent, or that its nature and effects were accurately defined. After the death of Charlemagne, the different nations of Europe groaned under the oppression of warlike nobles, whose rapacity respected neither the sanctity of the altar, nor the rights of humanity: and to restrain the ferocity of these numerous tyrants, the clergy adopted every expedient which religion could furnish, or ingenuity could suggest. In a synod held at Limoges on one of these occasions, the abbot Odolric proposed to make trial of an interdict. "Till the nobles" said he, "cease from their ravages, do you forbid the celebration of mass, the solemnities of marriage, and the burial of the dead. Let the churches be stripped of their ornaments, and the faithful observe the abstinence of Lent." The advice was followed: the detestation of the people, who were thus deprived of the exercise of their religion, confounded and alarmed their oppressors; and the success of the experiment recommended the interdict to the clergy as the most

* Paris, 188, 189, 190. West. 268. Other bishops retired into Scotland. The bishop of Norwich was made lord deputy in Ireland: so that only one prelate remained in England, the bishop of Winchester. Chron. Duns. 52.

† Greg. Turon. Hist. Fran. viii. 31.

powerful obstacle which they could oppose to the violence of their enemies.*

The bishops had no sooner pronounced the sentence, than its effects were universally felt. And effects.

The churches were instantly closed: no bell was tolled; no service was solemnly performed: the administration of the sacraments, except to infants and to the dying, was prohibited; and the bodies of the dead were silently buried in unconsecrated ground.† Though this sudden extinction of the forms and aids of religion struck the people with horror, John amid the general gloom affected an air of serenity and even of cheerfulness. His mind was employed in devising plans of revenge. He apprehended the relations of the three bishops, threw them into prison, and confiscated their property. His officers took possession of all ecclesiastical revenues; and commanded the sufferers to quit the kingdom, and seek redress from the justice or pity of the pontiff. In general they were too wise to depart; and contrived to subsist on the pittance, which they obtained from the benevolence of their friends, or extorted from the commiseration of their adversaries.‡

For some years John appeared to despise the consequences of the interdict: and his cause derived a temporary lustre from the success which attended his arms. 1. Soon after his coronation he had summoned William king of Scotland to meet him at Lincoln. The Scottish prince was received with the accustomed honours; and on an eminence at a small distance from the city, in presence of the whole court and of an immense concourse of people, he did homage to the king, and swore fealty to him of life, and limb, and worldly honours against all men, saving his own right. As soon as he had risen from his knees, he demanded that right: namely, the three counties of Northumberland, Cumberland, and Westmoreland, which he claimed as the heir of his grandfather David, by whom they had been seized during the civil wars between Matilda and Stephen. John eluded the demand by promising to return an answer at his leisure;§ and received from William a charter, in which that prince is said,

John's successes.

Scotland.
1240.
Nov. 22.

* Con. gen. ix. 902. Ivo of Chartres calls it *remedium insolitum*. Ep. 94.

† Marriages were performed, and women were churched, at the church door. The people were also called together on the Sundays to hear sermons, and prayers, in the church yards. Chron. Duns. 51.

‡ Paris, 190. West. 268.

§ Nov. 461. Henry III., John's son, in a letter to the pope, asserted that this was liege homage for the crown of Scotland.—Rym. i. 334, 335.

by a contemporary writer, to have acknowledged the feudal superiority of the English crown, to have engaged to keep the peace of the king and kingdom, and to have bound himself not to marry his son without the permission of his liege lord.* They separated friends in appearance, but enemies at heart: and nine years of doubtful tranquillity intervened before they met again on the banks of the Tweed. Whether it was that William had offered an asylum to the English rebels, or that he had attempted to marry his son or his daughter without license, the resentment of John was kindled, and he encamped at the head of a numerous army in the vicinity of

Norham. The Scottish prince saw that it was safer to appease, than to provoke a superior enemy. Instead of his son, who had been demanded, he gave his two daughters to the custody of John; submitted to a fine of fifteen thousand marks as the price of "the good will of his lord;" and left several noblemen as hostages for the payment of the money.†

Ireland. 2. From Scotland the king directed his attention to the concerns of the sister island. From a letter which he wrote to the justiciary Meyler Fitz-Henry, it appears that Cathal king of Connaught, by Dermot his envoy, had offered to hold his kingdom of John by the annual payment of one hundred marks for one-third part as a barony, and of three hundred marks for the remaining two parts.‡ With the issue of the negotiation we are not acquainted: but that which principally required the interference of the king, was the lawless conduct of the English chieftains, who disobeyed his orders, and levied war on each other.

1210. With a powerful army he landed in Ireland, and
June 6. proceeded to Dublin, where twenty of the native princes hastened to do him homage. From Dublin he marched into Meath: the castles of the refractory barons were reduced: and the Lacies with their associates precipitately quitted the island. John divided the English province into counties, established the observance of the English laws among the settlers, ordered the same monies to pass equally in both countries, intrusted the government to his favourite, the bishop of Norwich; and after an absence of
Aug. 30. twelve weeks returned with expedition to Eng-

* Brompton, 1283, 1284.

† Paris, 191. Ann. Marg. 14. Hemingf. 556. Rym. i. 155. ii. 564. 886.

‡ Apud Brady, ii. App. 165.

land.* 3. The next year he undertook to chastise the incursions of the Welsh; and at the foot of Snowdon dictated to Llewellyn the terms of his submission. He received from him twenty-eight hostages, young men of noble descent: all of whom the next year forfeited their lives on the gallows, in consequence of a new incursion of their perfidious countrymen.†

Wales.
1211.
Aug. 14.

Yet, while the king thus triumphed over his enemies, he still looked with solicitude to the termination of his quarrel with Innocent, and laboured to ward off the blow, which he well knew was meditated against him. With this view he often commenced a negotiation with Langton, or the papal envoys; and as often, with his usual versatility, refused to perform what he had promised. On other points all parties seemed to agree: the great subject of difference was the restitution to be made of the monies which had been forcibly taken from the clergy. The pontiff proceeded with deliberation, and allowed his disobedient son time to repent. When the interdict had lasted a year, he fulminated against him a bull of excommunication: but the king maintained so rigorous a watch at the ports, that the sentence could not be officially published in England: and his theologians maintained that, till it were published, it could have no effect. But this partial advantage did not allay his apprehensions. Excommunication, he well knew, was only a prelude to the sentence of deposition: there could not be a doubt that Philip, his ancient foe, would seize the opportunity to invade his dominions: and the increasing disaffection of his barons added to his perplexity and danger. To check therefore the hostility of the king of France, he retained in his service several of the petty princes, whose territories lay on the north or south of the limits of that kingdom: and to fortify himself against the pope, he solicited the aid of Mohammed al Nassir, who had assumed the usual appellation of the emir al Moumenim, and by his conquests in Spain had threatened to extirpate christianity from the south of Europe. This secret negotiation was intrusted to the prudence of two knights, Thomas Hardington and Ralph Fitz-Nichols, and of a clergyman called Robert of London. On their arrival at the palace of the Moor, they were successively conducted through several apartments lined with guards, whose arms, manners, and

He is ex-
communi-
cated.
1209.
Nov.

* Paris, 193. Ann. Marg. 14. Hemingf. 556. Ann. Hibern. apud Camd. Ann. 1210.

† Paris, 193, 194. Ann. Marg. 15.

apparel, excited the wonder of the strangers. The emir himself, a man of moderate stature and grave aspect, kept his eyes fixed on a book lying before him. Having made their reverences, they presented John's letter, which was received and translated by an interpreter. It contained, if we may believe the report which was afterwards circulated, an offer of the English crown to the emir, and a promise on the part of John to embrace the mohammedan faith. In this there is probably much exaggeration: but it would be difficult to determine the precise limits at which the desperation of a prince would stop, who with John's disposition should find himself in John's circumstances. The emir put to the envoys several pertinent questions, respecting the population and strength of the kingdom, the age, prospects, and character of the king; and dismissed them with general unmeaning expressions of amity. But as they retired, he recalled Robert, and adjured him, by his respect for the christian faith, to say what kind of a man his master was. He honestly replied that John was a tyrant, and would soon be deposed by his subjects. This was the only audience which they obtained. At their return the king gave to Robert, as the reward of his services, the custody of the abbey of St. Alban's during the interdict: a charge from which he contrived to collect for his own use above a thousand marks.*

Four years at length elapsed, and the king's obstinacy was still unsubdued. The archbishop and other prelates presented to the pope a strong remonstrance, in which they described their own wrongs and those of the clergy and religious, John's cruelties and impenitence, and the necessity of more powerful measures to preserve the privileges, and punish the enemy, of the church. Innocent with apparent unwillingness had recourse to the last effort of his authority. He absolved the vassals of John from their oaths of fealty, and exhorted all christian princes and barons to unite in dethroning an impious king, and in substituting another more worthy, by the authority of the apostolic see.†

And de-
posed by
the pope.
1213.

* Some writers have rejected this story: but it rests on the best authority, that of Paris, a monk of the same monastery, who heard Robert relate it to his companions. But I have ventured to remove it from the place, which it occupies in his history, and to insert it here for two reasons. 1. Because it occurred during the interdict (Paris, Hist. 205. Vit. Abbat. 1044.) 2. It happened before the great battle of Muradel, which broke the power of the emir, in 1212 (Paris, Hist. 206. Annal. Waverl. 176). It is inserted at the proper time in his lives of the abbots of St. Alban's, p. 1044.

† Paris, 195. The reader has seen that Innocent grounded his temporal pretensions on the right which he possessed of judging of sin, and of the

John, however, might have laughed at the impotent resentment of Innocent, had no monarch been found willing to undertake the execution of the sentence. The pope applied to the king of France; and Philip lent a ready ear to proposals so flattering to his ambition.* A numerous army was summoned to meet at the mouth of the Seine: and the hopes of the invaders were strengthened by the promise of co-operation from some of the English barons. Neither did John remain an idle spectator of the storm which was gathering. By his orders every ship in his dominions capable of carrying six horses, was collected in the harbour of Portsmouth: and the sheriffs of each county summoned to the coast of Kent, under the penalty of culvertage, every man able to bear arms within the limits of their jurisdiction.† The fleet sailed across the channel, captured a squadron at the mouth of the Seine, destroyed the ships in the harbour of Fecamp, and burnt the town of Dieppe. But the army was too numerous for any useful purpose. All who were not bound by oath to provide themselves with a coat of mail, or breastplate of iron, or a doublet protected with iron scales, were remanded: and in a few days another reduction was found necessary, from the difficulty of supplying provisions for the multitude which remained.‡ Still the king kept under his banners sixty thousand men, “sufficient,” says the historian, “to have defied all the powers of Europe, had they been animated with love for their sove-

Philip prepares to invade England.

Apr. 1.

Apr. 15.

obligations of oaths (See note 16). This doctrine, hostile as it might be to the independence of sovereigns, was often supported by the sovereigns themselves. Thus when Richard I. was held in captivity by the emperor, his mother Eleanor repeatedly solicited the pontiff to procure his liberation by the exercise of that authority, which he possessed over all temporal princes. Rym. i. 72—78. Thus also John himself had, as we have seen, invoked the aid of the same authority to recover Normandy from the king of France. At first, indeed, the popes contented themselves with spiritual censures: but in an age, when all notions of justice were modelled after the feudal jurisprudence, it was soon admitted that princes by their disobedience became traitors to God; that as traitors they ought to forfeit their kingdoms, the fees which they held of God: and that to pronounce such sentence belonged to the pontiff, the vicerent of Christ upon earth. By these means the servant of the servants of God became the sovereign of the sovereigns, and assumed the right of judging them in his court, and of transferring their crowns as he thought just. * Paris, 195.

† Omnes liberos homines et servientes, vel quicunque sint, et de quocumque teneant, qui arma habere debent, vel possint, et qui homagium nobis vel ligantiam fecerunt. Par. 196. Of these such as had no land, were to serve at the king's expense.—Culvertage means in plain English the penalty of being a turn-tail. The culprit was liable by law to the forfeiture of all his property, and perpetual servitude.

‡ Chron. Dunst. 59.

reign." But the infatuated prince had laboured, during the whole contest, to alienate the affections of his subjects. The instances which are recorded of his despotism and lust, almost exceed belief. This at least is certain, that he had revived in all their severity the odious laws respecting the royal forests, imposed the most arbitrary and oppressive taxes,* troubled and disgraced by the violence and licentiousness of his amours the most noble families, and by his suspicions and precautions, by demanding at one time the security of hostages, and exacting at others the surrender of castles, had converted the most powerful barons into implacable enemies. Among the sixty thousand men arrayed for his defence, there was hardly one on whose fidelity he could depend.†

While the king lay at Dover, revolving the probable issue of the contest, he was visited by King reconciled.
May 13. Pandulf, the confidential minister of the pope, who in an artful speech endeavoured to work on his fears and suspicions. Pandulf described in lively colours his dangerous situation, exaggerated the power and projects of the king of France, and darkly hinted at the discontent and disloyalty of the English barons. During his speech the king's mind was agitated by different passions. If pride and resentment forbade him to yield, fear and superstition taught him to wish for a compromise. He was fully aware of the danger which threatened him: he knew that in his army the perfidy of some was certain, the loyalty of all was doubtful. Last year, when he marched to Chester to attack the rebellious Welsh, he had defeated the plans of the conspirators by suddenly disbanding his army, and sheltering himself within the castle of Nottingham:‡ at present to adopt a similar expedient would be to seal the act of his deposition. But what on a mind so weak and superstitious made the most alarming impression, was the prediction of Peter the hermit, that before the feast of the ascension should be past (it wanted but three days to the fatal term), John would have ceased to reign. After a long struggle and with evident reluctance he sub-

* Besides his exactions from the laity he had at his return from Ireland exacted 40,00*l.* from the Cistercian, and 100,000*l.* from the other monks. Par. 193. There appears some exaggeration in these sums. The Annales Waverlienses reduce the 40,000 to 33,300, and those of Margan to 27,000. He had, however, the policy or cruelty to make all the religious houses give him charters, in which they declared that the monies extorted by him since his accession were free gifts, for which they did not expect to be repaid. Ann. Waver. 173. † Paris, 196, 197.

‡ Paris, 194. Ann. Marg. 15. It was rumoured that the barons had conspired to place the celebrated Simon of Montfort on the throne. Chron. Dunstap. 57.

scribed an instrument, which he had on a former occasion rejected. By this it was stipulated, that Langton should be admitted to the archbishopric of Canterbury; that the exiles both clergy and laity should be restored to their lands and offices; that all persons imprisoned on account of the late quarrel, should be liberated; that all outlawries should be reversed, and a promise given that such judgments should no longer be pronounced against the clergy; that full restitution should be made for monies unlawfully seized, and injuries wantonly inflicted; and that on the fulfilment of these conditions the sentences of interdict and excommunication should be revoked, and the exiled bishops should swear at the king's pleasure to be true and faithful subjects. Four of the most powerful barons guaranteed with their oaths the performance of these stipulations on the part of John.*

This happened on the thirteenth of May. The next day was spent by John, his council, and the papal minister, in secret and anxious consultation. On the following morning, in the church of the templars, and in the presence of Pandulf, the king, surrounded by the prelates, barons, and knights, took in the usual manner an oath of fealty to the pope; the very same oath, which vassals took to their lords. He swore that he would be faithful to God, to the blessed Peter, to the Roman church, to pope Innocent, and to Innocent's rightful successors: that he would not by word, or deed, or assent, abet their enemies to the loss of life, or limb, or liberty: that he would keep their counsel, and never reveal it to their injury: and that he would aid them to the best of his power, to preserve and defend against all men the patrimony of St. Peter, and especially the two kingdoms of England and Ireland.† At the same time, to complete the transactions of this extraordinary day, he put into the hands of the envoy a charter subscribed by himself, one archbishop, one bishop, nine earls, and two barons. This instrument testified, that the king, as an atonement for his offences against God and the church, had deter-

Swears
fealty to the
pope.
May 15.

* Paris, 197. Rym. i. 170.

† It is generally supposed that the king did homage to Pandulf as the pope's representative. But this is not mentioned by any ancient writer, and is contradicted by the king's charter, in which he says that he swears fealty according to the form subjoined, and will do homage, whenever he shall actually be in the presence of the pope: *fidelitatem secundum subscriptam formam facimus juramus, et homagium ligeum in præsentia domini Papæ, si coram eo esse poterimus, facimus.*—Paris says this was done in consequence of a sentence passed at Rome, *juxta quod Roma fuerat sententiarum*, p. 198. But the contrary is evident from Innocent's correspondence. See *Regist. Inn. III. fol. 154 et seq.*

mined to humble himself, in imitation of him, who for our sake had humbled himself even unto death: that he had, therefore, not through fear or force, but of his own free will, and with the unanimous consent of his barons, granted to God, to the holy apostles Peter and Paul, to pope Innocent, and Innocent's rightful successors, the kingdom of England and the kingdom of Ireland, to be held of him and of the Roman church in fee, by the annual rent of one thousand marks, with the reservation to himself and his heirs of the administration of justice, and the peculiar rights of the crown.* The next day, the feast of the ascension, the period fixed by the hermit, was to the king a day of anxiety and suspense. As soon as it was passed, he condemned Peter and his son as false prophets; and ordered them to be dragged at the tails of horses, and hanged on gibbets. The justice of the sentence was denied by many, who contended that the king, by swearing fealty to the pope, had verified their prediction.

This transaction has heaped eternal infamy on the memory of John. Every epithet of reproach has been expended by writers and readers against the pusillanimity of a prince, who could lay the crown of England at the foot of a foreign priest, and receive it from him again as his vassal and tributary. It was certainly a disgraceful act: but there are some considerations, which, if they do not remove, will at least extenuate his offence. Though the principles of morality are unchangeable, our ideas of honour and infamy perpetually vary with the ever-varying state of society. To judge impartially of our ancestors, we are not to measure their actions by the standard of our present manners and notions: we should transport ourselves back to the age in which they lived; and take into the account their political institutions, their principles of le-

* Paris, 199. Annal. Burt. 270. Regist. Auten. Inn. III. fol. 154. It was expressly provided, that besides the 1000 marks, the annual payment of the Peter-pence should be continued. It amounted to 199*l.* 8*s.* paid from the different dioceses in the following proportions, as I transcribed them ex Regist. Autent. Inn. III. in the Vatican library.

	<i>l.</i>	<i>s.</i>		<i>l.</i>	<i>s.</i>		<i>l.</i>	<i>s.</i>
Canterbury	7	18	Lincoln	42	0	Hereford	6	0
Rochester	5	12	Chester	8	0	Bath	11	5
London	16	10	Winchester	17	8	Salisbury	7	0
Norwich	21	10	Oxford	9	5	Coventry	10	5
Ely	5	0	Worcester	10	5	York	11	10

In a letter to his legate in England Innocent complains, that the real amount collected by the bishops was about 1000 marks more. Probably they retained for themselves the excess above the sum originally transmitted to Rome in the Saxon times. Rym. i. 182.

gislation and government. 1. Now in the thirteenth century there was nothing so very degrading in the state of vassalage. It was the condition of most of the princes of christendom. Even the king of Scotland was the vassal of the king of England, and the king of England the vassal of the king of France; the one for the lands, whatever they were, which he held of the English crown, the other for his transmarine territories: and both were frequently seen in public on their knees, swearing fealty, and doing homage to their feudal superiors. John himself had been present when William the lion subjected the Scottish crown to the English: and it was but nine years since Peter, the king of Arragon, had voluntarily become the vassal of Innocent, and bound himself and his successors to the yearly payment of two hundred and fifty ounces of gold to the holy see.* Nor were similar precedents wanting in his own family. He knew that his father Henry, powerful as he was, had become the feudatory of pope Alexander III.: and that his brother, the lion-hearted Richard, had resigned his crown to the emperor of Germany, and consented to hold it of him by the payment of a yearly rent. John in his distress followed these examples: and the result seems to have recommended his conduct to the imitation of the Scottish patriots, who, to defeat the claim of his grandson Edward I., acknowledged the pope for their superior lord, and maintained that Scotland had always been a fief of the church of Rome.† 2. Neither is the blame of this transaction to be confined to the king. It must be shared with him by the great council of the barons, his constitutional advisers, the very men, who two years later extorted from him the grant of their liberties in the plain of Runnymede. The cession was made by their advice and with their consent: whence it may be fairly presumed that there was something in the existing circumstances, which would justify the king, as far as he was concerned. Some writers have imagined that their motive was the hope of averting the threatened invasion, or if it could not be averted, of at least preserving John on the throne by the intervention of the same power, which had so nearly precipitated him from it. There is, however, some reason to believe that it originated with the barons themselves, who eagerly grasped at the opportunity of humbling the pride, and checking the violence, of the despot, whom they abhorred. From that moment they began to demand the grant of their liberties. On his refusal they appealed by their agents to the gratitude of

* Zurita, Indicul. rer. Arrag. l. i. Trivet, 147.

† See chap. iii. of this volume.

the pope, now become his and their sovereign, reminding him that "it was not to the good will of the king, but to them, and the compulsion which they had employed, that he was indebted for his superiority over the English crown."* Innocent, however, supported the cause of his vassal: and the barons transferred their allegiance to Louis, the son of Philip. The men, who could thus place on the throne the heir of the French monarchy, were certainly capable of subjecting it to the feudal control of the head of their church.

Philip in-
vades Flan-
ders.

The transactions at Dover were soon known on the opposite side of the channel, and Pandulf himself hastened to detail the particulars to the king of France, who lay with a powerful army at Boulogne. At the news his hopes of acquiring the English crown, the dream of his ambition, melted away; and his discontent exhausted itself in invectives against the selfish, perfidious policy of the pontiff. To his council he proposed to continue the enterprise; but was interrupted by Ferrand, earl of Flanders, a secret ally of the English monarch, who observed that he should not deem it a duty to follow his lord in an unjust expedition. These words excited a violent dispute: charges and recriminations were thrown from one to the other: and Philip closed the debate with a solemn declaration, that either Flanders should be annexed to the crown of France, or France should become a province of Flanders. Aware of his danger, the count immediately fled: Philip hastily followed his footsteps: Cassel, Ipres, and Bruges, were reduced; and the French army encamped under the walls of the strong city of Ghent.

It was fortunate for Ferrand that the English navy lay at this moment in the harbour of Portsmouth, and was ready to put to sea. Seven hundred knights with a numerous body of infantry embarked on board of five hundred ships, and steered for the harbour of Swyne. The French fleet, which, according to the testimony of Rigord, the chaplain of Philip, amounted to more than thrice that number, had already arrived: but a part only could be admitted within the port of Damme; and the remainder had been left without any protection by the troops, who were employed in plundering the neighbouring

* *Quod vos annum redditum domino Papæ et ecclesiæ Romanæ concessistis, et alios honores quos ecclesiæ Romanæ exhibitistis, non sponte, nec ex devotione, imo ex timore, et per eos coactus, fecistis.* This passage appears to me decisive of the part taken by the barons. It is contained in a private letter to John from his agent at Rome (Rym. i. 185), who reports the assertions of the barons to the pontiff.

villages. This unexpected meeting was most fortunate for the English. The French mariners opposed but a feeble resistance: three hundred sail, laden with military stores and provisions, were captured: more than one hundred were burnt: and the others maintained a doubtful combat within the port, against their assailants and the inhabitants. The whole fleet might have been destroyed, had not the temerity of the English commander, William the Longsword, earl of Salisbury, and the king's illegitimate brother, induced him to divide his forces; and by sending a part in pursuit of the plunderers, to prolong the contest till the French army arrived from Ghent. The English were now driven to their ships with the loss of two thousand men: an advantage which, however, did not indemnify Philip for the former disaster. He had lost the means of supporting his army in Flanders, or of conveying it to England. He burnt Damme and the remains of his fleet: and after a short and inglorious campaign returned in sullen discontent to his own frontiers. Ferrand recovered his territory as far as St. Omer.*

June.

The consequences of the transaction at Dover now began to unfold themselves. John had consented that the outlaws, both laity and clergy, should return to their native country: but, as little reliance could be placed on the word of the king, it had been stipulated that twenty-four barons should engage to protect them from insult or injury. Instruments to this effect had been executed and delivered to John: but, instead of transmitting, he retained them in his possession. He still cherished a lingering hope that some fortunate accident might enable him to break his engagements, and throw off the shackles with which he felt himself galled. The success of his fleet encouraged that hope. He forgot the conditions of the late pacification; and, to carry the war into France, summoned all his retainers to meet him at Portsmouth. But when he ordered them to embark, the barons refused to obey, and insisted that he should previously recall the exiles. The king was compelled to acquiesce: and at his invitation Langton, the bishops of London, Ely, Hereford, Lincoln, and Bath, the prior and monks of Christ church, and their companions, returned. They met at Winchester: John and the cardinal embraced: and the sentence of excommunication was publicly revoked at the entrance of the cathedral. But the archbishop had previously

Return of
the outlaws.

July 16.

July 20.

required him to repeat his oath of fealty to the pontiff, and to swear that he would abolish all illegal customs, restore to every man his rights, and revive the laws of the good king Edward: words of vague and uncertain import to the multitude, but sufficiently understood by the few, who had been initiated in the secret.*

Council of
St. Alban's.
Aug. 4.

The king now hastened again to Portsmouth, ordered the troops to embark, and with a favourable wind set sail for the French coast. He reached the island of Jersey with a few ships: but found that none of the barons had followed him. They, under the plea that the time of their service was expired, had repaired to a council at St. Alban's, in which Fitz-Peter, the justiciary, presided. Their resolves were issued in the form of royal proclamations, which ordered the laws granted by Henry I. to be universally observed; and denounced capital punishment against the sheriffs, foresters, or officers of the king, who should exceed the strict line of their duty. If it be asked why the laws of Henry I. were substituted for those of Edward, the answer is easy. The latter could be collected only from the doubtful testimony of tradition: but it was assumed that they had been embodied in the charter, which Henry had granted at his accession.†

Langton re-
strains the
king.

In the mean time John had landed, breathing revenge against the traitors, who had abandoned their sovereign. He determined to punish their disobedience by military execution: and had advanced as far as Northampton, when he was overtaken by the primate, who reminded him that it was the right of the accused to be tried and judged by their peers. "Rule you the church," replied the king, "and leave me to govern the state." He continued his march to Nottingham, and at Nottingham he was again assailed by Langton. That prelate repeated his former observations; asserted that the barons were ready to answer in the king's court; and concluded by declaring, that if John persisted to refuse them the justice of a trial, he should deem it his duty to excommunicate every person, with the exception of the king himself, who should engage in so impious a warfare. John yielded with reluctance, and for the sake of form summoned the accused to appear on a certain day before him or his justices.‡

* Paris, 203. Rym. i. 171, 172. Annal. Waver. 178.

† Paris, 201.

‡ Ibid.

Three weeks had scarcely elapsed since the meeting at St. Alban's, when a second meeting was convened at St. Paul's in London. Its ostensible object was to ascertain the damages sustained by the outlaws during the late quarrel. But Langton called the barons aside, read to them the charter of Henry, and commented on its provisions. They answered by loud acclamations; and the archbishop, taking advantage of their enthusiasm, administered to them an oath, by which they bound themselves to each other, to conquer or die in the defence of their liberties.*

Council at
St. Paul's.
Aug. 25.

We shall now witness an important change in the politics of the pontiff. Hitherto he had supported the cause of the primate and barons: henceforth he will espouse the interests of the king. The cardinal Nicholas, bishop of Tusculum, arrived with the title of legate, and with instructions to settle the amount of the restitution to be made to the outlaws, and, when that was done, to take off the interdict. It was soon discovered that with much seeming impartiality, he inclined to the side of the king, who had again taken the oath of fealty to Innocent, and in addition, had done homage to the legate, as Innocent's representative. Three successive assemblies were held without any result. The losses of the sufferers, whose property had been pillaged, woods felled, and houses burnt, were so enormous, that the king would not, perhaps could not, repair them.

Interdict re-
moved.

Sep. 29.

Oct. 3.

Dec. 6.

At length the demands of the inferior claimants were postponed: the payment of fifteen thousand marks relaxed the importunity of the prelates: and it was resolved by common consent, that the decision of the controversy should be referred to the equity of the pontiff. After hearing the arguments on both sides, Innocent gave an initiatory award, by which it was ordered that the king should pay to the bishops forty thousand marks, including the sums already received; that he should give security for the discharge of any other damages to be hereafter awarded by the pontiff; and that the interdict should be immediately recalled.†

John, in the mean time, confident in the support of the pope, and unopposed by the contumacy of his barons, had sailed to the coast of Poitou, had been joined by the lords in the neighbourhood, and had penetrated to the city of Angers. There he was

Battle of
Bouvines.

* Paris, 202. Annal. Waver. 178.

† Paris, 207—210. Rym. i. 176. 187.

1214.
June 17. found by the messengers from Rome; who, having received his oath that he would observe the papal award, hastened to England, and revoked the interdict, after it had lasted more than six years. John immediately marched into Bretagne: but his progress was arrested by the arrival of Louis, the son of Philip: and from that moment both armies, as it were by mutual consent, suffered the war to linger, and waited the issue of the campaign in the north. There the allies of John, Otho, the emperor of Germany,* Ferrand, earl of Flanders, and William, earl of Boulogne, had joined the English forces under the earl of Salisbury, and hastened at the head of more than one hundred thousand men to invade the French territory. To this torrent Philip could not oppose half the number of combatants; but the deficiency was supplied by the spirit and gallantry of his followers, the flower of the chivalry of France. The armies met at Bouvines, an obscure village on the river

July 27. Marque, between Lisle and Tournay. Of the action which followed, so fatal to the prospects of John, so flattering to the vanity of Philip, I shall not pretend to give the details: a few anecdotes of the principal leaders may prove interesting to the reader. 1. Philip was at one time in the most imminent danger. Trusting to the temper of his armour, he had fearlessly rushed into the midst of the combatants. A German on foot, who espied an opening between his visor and cuirass, made a desperate push at his throat with a barbed lance. He missed his aim: but the hook caught the strap of the helmet, and the king was dragged from his horse. Though the soldier kept his hold, Philip rose on his feet. Otho hastened to overpower his enemy; while the French knights rushed forward to rescue their sovereign. After a desperate conflict he was disengaged, remounted his horse, and continued the battle. 2. The emperor could boast of having escaped from equal danger. He wielded with both hands a one-edged sword of enormous weight: and at each stroke stunned or unhorsed an opponent.

* Otho was son to Henry the lion, duke of Saxony, and nephew to John. After the death of Henry VI., emperor of Germany, he opposed the claim of Philip, duke of Suabia, the brother of the deceased prince. After an unsuccessful war, he was freed from his competitor by the hand of an assassin, and obtained the imperial crown. By advancing pretensions which he had formerly abandoned, he incurred the resentment of Innocent, his former protector. He was excommunicated. Innocent and the king of France formed a league in favour of Frederic, son to Henry VI., who was crowned by the pontiff. Otho, unable to oppose his rival, retired to his patrimonial estates at Brunswick, and cheerfully entered into the league against his enemy, the French king.

During the battle he had three chargers killed under him. On one of these occasions, Du Barré, an athletic knight, seizing him round the waist, endeavoured to carry him off: nor was it without difficulty that he was liberated by the efforts of his guards. On another he received on his breast a stroke from a battle-axe, which was repelled by the strength of his cuirass. A second stroke wounded his horse on the head: and the animal, impatient of pain, wheeled round, and carried him out of the combat. 3. The earl of Salisbury chanced to meet the bishop of Beaufvais. The captivity of that prelate had not extinguished his passion for fighting: but his only weapon was a club, that he might not, as he pretended, shed blood in violation of the canons. With a single stroke he brought the earl to the ground, and made him his prisoner. 4. The earl of Boulogne, out of respect for the Sunday, had proposed to defer the engagement to the morrow; and had been called a coward and traitor for his advice. When his companions fled, he refused to accompany them; fought till his horse was killed; and at last, unable to rise, surrendered to De Guerin, bishop elect of Senlis, who had refused to carry arms, but at the request of Philip had undertaken to marshal his forces, and to regulate their movements. 5. But the man, whose captivity afforded the king the greatest pleasure, was the earl of Flanders, his inveterate enemy. He was wounded and taken. Philip conducted him to Paris, exposed him to the derision of the citizens, and confined him in a dungeon during the rest of his reign.*

The defeat at Bouvines broke all the measures of John, who solicited and obtained from Philip a truce for five years, and returned from an inglorious campaign in France to a still more inglorious contest in England. On the 20th of

Proceed-
ings of the
barons.

Oct. 19.

November the barons assembled at the abbey of St. Edmund's, under the pretence of celebrating the festival of the patron saint: their real object was to mature their plan of future operations, without awakening the suspicion of their sovereign. Many secret meetings were held: the different liberties for which they were to contend, were accurately defined:

Nov. 20. and it was determined to demand them in a body when the king should hold his court at the festival of Christmas. Before they separated, they advanced singly to the high altar, and took a solemn oath, to withdraw their allegiance, if John should reject their claims; and to levy war

* See Paris, 211. Weston, 273. Rigord, 61. 63. Guil. Brit. Philip. l. x. xi.

upon him, till he should grant them. At Christmas he was at Worcester; but whether he had received intelligence of their design, or was alarmed at the solitude of his court, he departed suddenly the next day, rode to London, and shut

1215.
Jan. 6.

himself up in the Temple. The confederates followed in great numbers, and on the feast of the Epiphany presented their demands. The king at first assumed an air of superiority, and insisted not only that they should recede from such claims, but should assure him under their hands and seals that they would never make them again. The bishop of Winchester, the earl of Chester, and the lord William Brewer, consented: the others obstinately refused. He had then recourse to delay: and offered, on the security of the archbishop of Canterbury the bishop of Ely, and the earl of Pembroke, to give them a satisfactory answer at the following Easter. This proposal, after much hesitation, was accepted.*

The interval was spent by the king in endeavours to fortify himself against this formidable conspiracy. To the clergy he granted a charter of free election, by which it was provided, that

Grant to the church of free election.
Jan. 15.

the custody of all cathedral, collegiate, and conventual churches, when they became vacant, should, as was usual, be vested in the crown: that whenever the royal license to elect a new prelate was asked, it should be immediately granted, and that if it were refused, it should still be lawful to proceed to the election: that no influence should be used to prevent the electors from choosing whom they pleased: and that when the prelate elect was presented to the king, he should not refuse his approbation, unless lawful

reasons could be assigned for the refusal. Having thus, as he hoped, mollified the clergy, he ordered the sheriffs to assemble the freemen of the different counties, and tender to them the oath of allegiance: and to obtain for himself the security, which the church gave to the crusaders, he took the cross, and engaged by vow to wage war against the infidels.†

* Compare Paris, 212, 213, with the letter in Rymer, i. 184, 185. By some mistake it is placed among the records of the year 1214, but evidently relates to transactions of 1215.

† Paris, 213. 221. Rym. i. 198. I ought perhaps to have mentioned on a former occasion, the privileges enjoyed by the crusaders. The first was an exemption from the obligation of doing canonical penance. The pilgrimage to Jerusalem was taken in commutation. But this indulgence, as it was called, was confined to the sole case, when the expedition had been undertaken from motives of piety alone. If the pilgrim had interest or honour in view, he was warned that he was still subject to the ancient dis-

Both parties had despatched messengers to Rome, to solicit the protection of their feudal superior. But it was in vain that the barons appealed to the gratitude of Innocent: he deemed it his interest and duty to support the cause of his vassal. In a letter to Langton he inveighed against the injustice of refusing to John those rights, which had been peaceably possessed by the crown in the reigns of his father and brother; insinuated that the archbishop himself was accused of being the fomenter of the disturbance; and commanded him to exert all his authority to restore harmony between the king and his vassals. In another to the barons he reprehended them for seeking to extort by violence, what they should have asked as a favour; and promised, if they would behave with moderation and humility, to interpose his good offices, and obtain for them from the king, whatever they could reasonably expect. In both he annulled by his own authority all confederacies formed since the pacification of Dover; and forbade, under the penalty of excommunication, any such to be formed for the future.*

Pope re-
prehends
the barons.

Mar. 19.

In Easter week the barons assembled at Stamford, and with two thousand knights, their esquires and followers, proceeded to Brackley. The king lay at Oxford; and commissioned the archbishop of Canterbury, and the earls of Pembroke and Warenne, to go and ascertain their demands. They brought him back a paper of the same import with that which had been presented to him before; and, as soon as he had heard it read, he exclaimed: "They might as well have demanded my crown. Do they think I will grant them liberties, which will make me a slave?"† The commissioners were remanded with instructions to appeal in the first place to the pope, the feudal lord of England, and protector of all who had taken the cross;

Their de-
mands.

cipline. *Quicumque pro sola devotione, non pro honoris aut pecuniarum adeptione, ad liberandam ecclesiam dei Hierusalem profectus fuerit, iter illud pro omni pœnitentia ei reputetur.* Con. Claramon. can. ii.—The second privilege was, that till their return their persons, goods, and estates were placed under the protection of the church. It was, indeed, proper that persons who ventured their lives for a cause, which was deemed the cause of all christendom, should be exempt from vexatious exactions during their absence: but it was cruel to debar those, who had just claims against the crusaders, from the prosecution of their rights during the same time. Many took the cross for the mere purpose of eluding the pursuit of their creditors, or of suspending the actions which had been commenced against them.

* Rym. i. 184. 196, 197.

† It was probably the same instrument which is printed in the *Leges Saxonice*, p. 356. Ex. lib. MS. Vet. Arch. Cant.

then to offer the abolition of the evil customs which had been introduced during his reign and that of his brother; and, if this did not give satisfaction, to add that he was also willing to be guided by the advice of his court with respect to any grievances which might have arisen during the time of his father Henry II. By the barons these proposals were received as mere evasions: and an answer was returned, that they would be content with nothing short of their original demands. Pandulf, and the bishop of Exeter, the king's advisers, contended that the primate was bound to excommunicate the barons in obedience to the order of the pontiff: but Langton replied that he was better acquainted with the intentions of Innocent; and that unless the king dismissed the foreign troops, whom he had lately introduced into the kingdom, he should think it his duty to excommunicate them, and to oppose them with all his power. As a last resource, John offered to refer the matters in dispute to four persons to be chosen by the barons, four others to be chosen by himself, with the pope for the ninth; and to abide by the decision of all or the major part of the umpires.* This also was refused: the barons proclaimed themselves the army of God and his holy church; and elected Robert Fitz-Walter for their commander. They immediately invested Northampton. Fourteen days were wasted in fruitless attempts to corrupt the fidelity of the garrison, which consisted of foreigners: and to carry the fortress without military engines was a dangerous and hopeless task. At Bedford they were more fortunate. The governor opened the gates, and at the same moment an invitation was received from some of the principal citizens of the metropolis. They marched immediately; halted not during the night; and reached London in the morning. It was Sunday: the inhabitants were in the churches; and the gates stood open. The city was immediately occupied: and the confederates, elated with their success, despatched letters to the barons and knights, who had not hitherto declared themselves, stating their object, their resources, and their determination to treat as enemies all who did not join "the army of God and of the holy church." This menace had the intended effect. Those who were not convinced by their arguments, yielded to the fear of their resentment.†

* Compare Paria, 213, with John's account in his letter to the pope. Rymer, i. 200, 201.

† Paria, 214.

The loss of his capital proved to the king that his crown was now at stake. To retain it, he had submitted to become the vassal of a foreigner: for the same purpose, why should he not submit to the demands of his barons? They might indeed require oaths and pledges: but in his estimation oaths ceased to bind, when they could be violated with impunity, and his heart was callous to the sufferings which his perfidy might entail on his friends. He assumed an air of cheerfulness; informed the confederates that he was ready to grant their petitions; and requested them to name a day and a place for the conference. Runnymede, situated between Staines and Windsor, was the scene of this important negociation. On the one side stood Fitz-Walter, and the majority of the barons and nobility of England: on the other sat the king, accompanied by eight bishops, Pandulf the papal envoy, and fifteen gentlemen. These attended as his trusty advisers: but the hostile sentiments of many were equally known to him and to his opponents. An instrument, containing the demands of the confederates, and distinguished by the title of the charter of liberties, was presented to John, and subscribed by him without hesitation. The knowledge, however, of his perfidy, had suggested the necessity of further securities. It was required that he should disband, and send out of the kingdom, every foreign officer with his family and followers: that for two months longer the barons should retain possession of the city, and the archbishop of the tower, of London: that a committee of twenty-five barons should be appointed with full power to decide all claims in conformity with the charter of liberties: that the freemen of every county should be at liberty to swear obedience to the committee of barons, and even to take up arms at their orders: and that if the king violated these conditions, the city and tower of London should be retained, and war might be lawfully levied against him. To these requests, galling as they were, John made no objections: and the barons, who had before "defied" him, that is, had publicly withdrawn their fealty, renewed their homage, and received from him again their estates and honours.*

King yields
at Runny-
mead.

This charter is celebrated in history as the supposed basis, on which are founded the liberties of Englishmen. It is not, however, to be considered as forming a new code of law, or even as an attempt to inculcate the great principles of legislation. Its framers meant not to disturb or improve the national jurispru-

Contents
of the
charter.

* Paris, 215—220. Rym. i. 67.

dence: their only object was to correct the abuses, which had grown out of the feudal customs under the despotism of the first William and his successors: and

Reliefs.

the remedies which they devised for this purpose, were comprised in a charter, *granted*, to use the language of our ancient statutes, by the king to his vassals and the freemen of the realm. 1. The first article regarded the

Liberties
of the
Church.

church of England, to which John granted that it should possess all its liberties whole and inviolate; and to show his readiness to maintain them, boasted of the charter of free election which he had signed previously to the commencement of the rupture between himself and the barons.* It would have been more satisfactory, if these liberties had been enumerated and described; but the instrument proceeds immediately to the redress of the grievances, which pressed the most heavily on the tenants of the crown.

2. During the late reigns the king had been accustomed to exact arbitrary sums under the name of reliefs, to farm out the estates of his wards to the highest bidders,† to exercise the right of marrying the heir during his minority,‡ heiresses at any age above fourteen, and widows, if they held estates, to whomsoever, and whensoever he pleased.§ In

Reliefs.

opposition to these abuses, it was now enacted, that the ancient reliefs should be restored, of one hundred pounds for the fee of an earl, one hundred marks for the fee of a baron, and one hundred shillings for the fee of a knight: that the guardian should receive only reasonable services from the lands of his ward

Ward-
ships.

during the minority; should uphold the houses and buildings; and should commit no waste of the chattels or slaves: that

* C.i.

† Thus Thomas de Colville gave 100 marks for the custody of the lands and children of Roger Torpel—Odo de Dammartin 500 marks for the wardship of the son of Hugh, the king's butler. Madox, c. x.

‡ This is denied by Blackstone, ii. 5, but sufficiently proved by Henshall in his dissertation, p. 32. See Madox, i. 465. 512. Henry III., speaking of his two wards, the earls of Warrenne and Lincoln, says expressly, *qui quidem pueri sunt in custodia regis, et maritagium eorum ad regem pertinet.* Rymer, i. 441.

§ Thus Alicia, countess of Warwick, had paid to John a fine of no less than 1000 pounds for permission to remain a widow as long as she chose. Madox, c. xiii. The countess of Gloucester, the lady whom he had repudiated for Isabella, he gave in marriage to Geoffry de Mandeville: and though it was a compulsory marriage, he exacted from the reluctant earl securities for the payment of ten thousand marks, as a remuneration for the favour. Chron. Dunst. p. 74.

heirs and heiresses should not be married to their disparagement, nor without the previous knowledge of their relations: and that widows should be entitled to the undisturbed possession of their own inheritance, of their maritagium, or the lands given with them in marriage, and of their dower, or the third part of the estates of their deceased husband: and that moreover they should be permitted to remain single as long as they pleased, provided they gave security not to marry without the consent of their lord.*

Marriages.

3. In former times aids and scutages had been levied but sparingly: of late they had become of annual recurrence; and their amount was regulated, not by ancient custom, but by the rapacity of the king, and the expected forbearance of his vassals. By the charter his right to exact an aid was limited to the three legal cases, of his personal captivity, of the knighthood of his eldest son, and of the marriage of his eldest daughter.† To levy an aid

Aids and
scutages.

or scutage on any other occasion, the consent of the great council of the tenants of the crown was made necessary. The members composing this council were enumerated: namely, the archbishops, bishops, abbots, earls, and greater barons, who should be summoned personally by writ, and all the other tenants in chief of the crown, who should be summoned generally by the sheriff. It was added, that the summons should be issued at least forty days beforehand; that it should specify the time and the place of meeting, and the intended subject of discussion; and that, whenever all these particulars had been duly observed, the members who were absent should be bound by the determination of those who had been present.‡ The reader will observe that this was not a parliament in the present sense of the word. It consisted entirely of the king's tenants, and was to be convoked for the sole purpose of granting him a supply. Yet the reader will see, that by the influence of the crown it was expunged from the charter in the first year of the next reign, and was never afterwards readmitted; though it seldom happened that any sovereign ventured to violate it openly.§

Convoca-
tion of
the great
council.

4. Our kings seldom remained for any length of time stationary in one place: and as long as the courts of law followed the royal person, much inconvenience was experienced both by suitors and

Court of
common
pleas.

* Mag. Char. c. 2, 3, 4, 5, 6, 7, 8.

† Ibid. c. 12.

‡ C. 14.

§ Chart. Hen. III. an. 1. c. 42.

witnesses, who, on account of the several hearings frequently given to the same cause, were successively dragged to different, and often very distant, parts of the kingdom. Hence it had happened, that during the two last reigns a bench of justices had been established at Westminster to decide causes between party and party: and this institution was now confirmed by the charter, which enacted that "common pleas should no longer follow the person of the king, but be held in some certain place." By this clause the king's court, and the court of exchequer, which still accompanied the sovereign, were confined to the cognizance of criminal matters, and of causes regarding the revenue: and the court which sat at Westminster, from hearing those causes, in which both the parties were subjects, obtained the name, which it still bears, of the court of common pleas.*

5. For the better administration of justice, the king granted that no man should be made justice, constable, sheriff, or bailiff, unless he were sufficiently versed in the law: that no sheriff, constable, coroner, or bailiff, should hold pleas of the crown: that no bailiff should on his own assertion, and without the evidence of witnesses, put any man on his law: and that, as the itinerant justices made their circuits at very distant and uncertain periods, two justices should be sent into every county four times in the year, who, with the aid of four knights to be chosen in the county court, should hold assizes of darrein presentment, mort d'ancester, and novel disseisin.† It is not improbable that the establishment of this new court gave a shock to the ancient institution of shire-motes, and was the origin of the present custom of associating other persons in the commission of the justices of assize.

6. All these were useful provisions: those which followed were still more important. The Justice not to be sold. iniquitous means by which our kings derived money from the proceedings in courts of law, have been noticed in the reign of Henry II. As a remedy, John was compelled to sign the following article, "We will not sell, we will not refuse, we will not defer right or justice to any one."‡ Treading in the footsteps of the most despotic of his

* C. 17.

† Ibid. c. 45. 24. 38. 18, 19. Darrein presentment was a recognition to discover who presented the last parson to a church; mort d'ancester, whether the last possessor was seized of land in demesne as of his own fee; and novel disseisin, whether the claimant had been unjustly disseised of his freehold.

‡ C. 41. Instances similar to those mentioned in the history of Henry II. are to be found under John. See Madox, i. 448. 452. 515. 517. In the history of Croyland is a tedious but curious account of a suit respecting

predecessors, he had been accustomed to arrest his vassals on the mere suspicion of their hostile intentions, to compel them to give hostages for their fidelity, to imprison them, to banish them, to ravage their lands, and to demolish their castles. He now consented that "no free-
 man should be arrested, or imprisoned, or disseised of his land, or outlawed, or destroyed in any manner, nor should the king go upon him, nor send upon him, but by the lawful judgment of his peers, or by the law of the land."* By this clause the property and liberty of the subject were protected against the tyranny and resentment of the monarch: and in the same spirit of legislation the charter proceeds to enact, that earls and barons should be amerced by their peers only, and according to the nature of their offence: that free-
 men should not be amerced heavily for a small fault, nor above measure for a great transgression, saving always to the freeholder his freehold, to the merchant his merchandise, and to the husbandman his implements of husbandry; and that such amerciaments should be imposed by the oath of the good men of the neighbourhood.†

Protection
of persons
and proper-
ty.

Amercia-
ments.

7. To restrain the injustice of the royal purveyors, it was enacted, that no constable or bai-

Purveyance.

the right to a marsh, between the abbot of that monastery and the prior of Spalding. It lasted the whole reign of Richard, and great part of that of John. Money was required at every step. Forty marks were given to have a trial, to put it off, to suspend judgment, &c. At last the prior gave sixty marks, when the abbot offered one hundred, and judgment was given. From the writs issued on the occasion, it appears, that the judge could not proceed, till security had been given for the payment of the money. Ideo vobis mandamus, quod accepta securitate de illis 40 marcia, tunc coram vobis audiri.—So the justiciary writes to the sheriff: Scias quod prior de Spalding fecit nos securos per Simonem de Lima de 40 marcis: ideo summe, &c. Hist. Croyl. 455—477.

* C. 40. If the reader recollect that Henry II., for no other cause than to mortify archbishop Becket, banished all his friends and relatives to the number of some hundreds; and that John very lately had arrested all the relatives of Langton and the bishops his associates, had despoiled them of their goods, and thrown them into prison, though they had not been guilty of any offence (Paris, 190); he will see the necessity of this clause to check such lawless and despotic proceedings.—The words "We will not destroy him, nor will we go upon him, nor will we send upon him," have been very differently expounded by different legal authorities. Their real meaning may be learned from John himself, who the next year promised by his letters patent . . . nec super eos *per vim vel per arma* ibimus, nisi per legem regni nostri, vel per judicium parium suorum in curia nostra. Pat. 16. Johan. apud Drad. ii. App. No. 124. He had hitherto been in the habit of *going* with an armed force, or *sending* an armed force on the lands, and against the castles, of all whom he knew or suspected to be his secret enemies, without observing any form of law.

† C. 20, 21.

liff should take the corn or goods of any person without making immediate payment, unless he obtained a respite from the free will of the owner; nor employ the horses or carts of any freemen to perform carriages without the consent of the same freeman; nor cut down another person's wood for the royal castles or other uses, without the permission of him to whom the wood belonged.*

Liberties of cities and burghs. 8. The barons, having secured their own rights, attended to those of the cities and burghs, which had progressively risen in importance, and given their aid in the present quarrel. The charter

confirmed to the capital and all other cities, burghs, towns, and sea-ports, the enjoyment of their ancient liberties and free customs by land and water; ordered the same weights and

Foreign merchants. measures to be employed in all parts of the realm; and granted to foreign merchants the liberty to come into England, to reside in it, to travel through it, and to depart from it without exaction, according to right and ancient custom. The king, however, retained the power to arrest them in time of war, and to keep them in custody, as a measure of security, till it should be known in what manner the English merchants had been treated in the enemy's country.†

Liberty to quit the realm. 9. It was moreover provided, that every free-man should have full liberty to quit the kingdom and return to it, saving his allegiance, and unless it were in time of war. From this liberty were

excepted prisoners, outlaws, and merchants from hostile states.‡

Grievances of the forest laws. 10. The royal forests were the peculiar property of the crown. They were governed by their own laws, emanating from the sole will of the prince, and thus formed so many separate

local governments in the very heart of the kingdom. That part of their code, which had for its object the preservation of the deer, was written in characters of blood. To kill "the king's venison," as it was called, subjected the offender to the loss of his life or members. Other laws, ostensibly intended for the preservation of the forests, but in reality for the profit of the king and his officers, created a multitude of offences, most oppressive and harassing to all, who lived on the borders, or possessed property within the precincts of these enclosures. The charter professed to remedy some of the grievances, which have been mentioned. It threw open

* C. 28. 30, 31.

† C. 13. 35. 41.

‡ C. 42.

all forests, that had been made since the commencement of the king's reign: and appointed twelve knights to be chosen in the court of each county; empowered them to inquire upon oath into all evil customs of forests and warrens, foresters and warreners; and authorized them to abolish such customs within forty days, provided notice were previously given to the king or his justiciary.*

11. Had the charter stopped here, the relief which it was meant to afford, would, in a great measure, have been confined to the immediate tenants of the crown. The great body of freemen was composed of the sub-vassals of these tenants, who had suffered from the tyranny of their lords the same oppressions, which the lords had suffered from the tyranny of the sovereign. As they had shared in the enterprise, they might justly expect to share in its advantages: and in their favour a clause was inserted, providing, "that every liberty and custom, which the king had granted to his tenants as far as concerned him, should be observed by the clergy and laity towards their tenants, as far as concerned them." The slaves, still one of the most numerous classes in the kingdom, were not mentioned. They, of course, could have no claim to participate in the privileges of freemen.†

Liberties of sub-vassals.

12. To these articles others were added of a temporary nature. The king promised to restore the hostages and charters which he had obtained from the barons; to make full restitution to every man, English or Welsh, who could prove that he had been dispossessed of his lands, castles, liberties, or rights, without the legal judgment of his peers: to remit all fines and amerciaments made unjustly and against law: to give back to Llewellyn, prince of Wales, his son and hostages: and to act towards Alexander, king of Scots, with respect to the restoration of his sisters and hostages, and his liberties and rights, in the same manner as he should act towards his other barons of England, unless it ought to be otherwise, according to the charters which he had received from William, the father and predecessor of Alexander: and in these points to be guided by the decision of the peers of the Scottish prince in the king's court.‡

Temporary provisions.

Such were the chief provisions of the great charter, which for centuries was considered as the palladium of our national

* C. 47, 48. † C. 60. They had also power to inquire into the conduct of the sheriffs, and other inferior officers of the crown.

‡ C. 49. 52. 55. 58, 59.

freedom. Most of them expired with that system for which they were calculated. But at the time they were highly useful. They checked the most galling abuses of feudal superiority; they gave a new tone to English legislation; they justified resistance to the encroachments of despotism; and, in subsequent struggles with the crown, pointed to determine objects the efforts of the nation. By our kings, who considered the charter as wrung from them by the strong grasp of necessity, they were perpetually evaded: by the people, who deemed them the expression of their just rights, they were as often and imperiously reclaimed. It required no less than thirty-five successive ratifications to give them in effect the full force of law,* a sufficient proof how much they were abhorred by the sovereign, and how highly they were prized by the nation.

John resolves to set aside the charter. June 19. During this transaction John had shown himself a perfect master in the art of dissimulation. He assumed an air of cheerfulness: he spoke with courtesy and kindness to the barons: he promised the most prompt and faithful execution of all his engagements. Writs were immediately issued to the sheriffs, to assemble the courts of the counties, to read publicly the contents of the charter, to proceed to the election of the twelve knights, to inquire into abuses, and to receive from all freemen the oath of obedience to the twenty-five barons appointed conservators of the public liberties.† But as soon as the assembly was dissolved he threw off the mask. In a paroxysm of rage he cursed the day of his birth, gnashed his teeth, rolled his eyes, gnawed sticks and straws, and acted all the freaks of a madman. From this frenzy he was awakened by the officiousness of his advisers, who urged him not to waste his time in useless exhibitions of passion, but to assist in devising the most speedy means of revenge. The result of their counsels was the immediate departure of two deputations to the continent. The one was charged to traverse Flanders, Picardy, Poitou, and Guienne, and to hire at any price adventurers to fight under the royal standard: the other hastened to Rome to implore in the king's defence the powerful interposition of Innocent, and to represent every concession extorted from the vassal as an insult offered to the authority of his lord, the pontiff.‡

* The charter was ratified four times by Henry III., twice by Edward I., fifteen times by Edward III., seven times by Richard II., six times by Henry IV., and once by Henry V.

† Apud Brady, ii. App. No. 118. p. 149.

‡ *Illatæ vobis in persona nostra injuriæ.* Rym. i. 202.

The barons had left Runnymede in triumph; and, to celebrate the fall of the despot, had appointed a tournament to be fought at Stamford on the second of July. But their joy was soon clouded with suspicion. John had eluded the restoration of their lands by promising to do them justice in his court on a certain day: now it was ascertained that he had ordered all his castles to be provisioned and fortified: and information was received of a plot to surprise the capital during their absence at Stamford. To defeat the latter, the time appointed for the tournament was postponed, and the place was removed nearer to London.* To prove the king's sincerity, a deputation waited on him at Winchester. Suspensions
of the
barons. June 27.

He laughed at their suspicions, swore that they were unfounded, and offered to hasten the execution of the charter in any manner which should be suggested by the archbishop. In consequence, writs were issued to the twelve commissioners already elected in each county, charging them to enter into possession of the lands, tenements, and chattels of all persons, who had hitherto refused to take the oath to the twenty-five conservators; at the expiration of a fortnight, unless they had then obeyed the former order, to sell their chattels for the benefit of the fund for the expedition to the holy land; and afterwards to retain possession of the lands and tenements as long as the owners should persist in their obstinacy.† John in his turn required that, since they had promised to give him any security which he might demand, excepting their castles and hostages, they should now severally subscribe charters, declaring that they were bound by oath and homage to be true to him against all manner of men, and to defend his rights and the rights of his heirs to the crown. They refused: and the archbishop, with several prelates, gave a solemn attestation of their refusal.‡

Another interview took place at Oxford, and the parties separated still more dissatisfied with each other.§ The king, who sought to gain time, appointed a third conference to be held in the last week of August, which proved as fruitless as the preceding.|| He did not attend personally, Sep. 1. as he had repaired to Dover to receive the foreign

* Apud Paris, 222.

† Apud Brady, ii. App. No. 119. p. 150.

‡ Ibid. No. 134. p. 162.

§ Matt. West. 1273.

|| Mailros, 188. I am aware that this account differs from that of Paris, who tells us that John spent the day after the signature of the charter at Windsor, skulked away the next morning to the Isle of Wight, took up the profession of a pirate, and passed three months in the island, or at sea in the company of mariners. Paris, 222. Yet his account cannot possibly be

auxiliaries who had accepted his offers. They repeatedly arrived in great numbers: either needy adventurers, who in hopes of new settlements had brought with them their wives and families; or soldiers by profession, who had been accustomed to sell their blood to the highest bidder. The barons were alarmed: and though they had long hesitated to recommence hostilities, ordered William D'Alb-
 Oct.
 biney to take forcible possession of the castle of Rochester, which had been put by the king into the hands of Langton as a pledge of his sincerity. It was without provisions or engines of war: and before D'Albiney could procure a sufficient supply of either, it was surrounded by John with his mercenaries. Though the barons marched out of London, they did not venture to face the royal army; and the castle was repeatedly assailed, and as obstinately defended, during the space of eight weeks. When the sappers had thrown down part of the outer wall, the garrison withdrew into the keep. By means of a mine one of the angles was shattered: John urged his men to force their way through the breach: but every assault was repulsed with loss; and the mind of the king was embittered by a succession of disappointments. Famine, at last, subdued the obstinacy of the besieged; and when D'Albiney and his companions had consumed their last meal, suddenly opening the gate,
 Nov. 30.
 they threw themselves on the royal mercy. John ordered them all to be hanged: but Sauvery de Mauleon opposed the cruel mandate, on the ground that his own officers would be exposed to the danger of retaliation. With difficulty an order was extorted from the tyrant to confine the knights in different castles: their followers were immediately executed, with the exception of the cross-bowmen, who probably entered into his service.*

While the king was employed in the siege of
 Charter an-
 nulled by
 Innocent. Rochester, he received the pleasing intelligence, that according to his request the charter had been annulled by the pontiff. Innocent, enumerating the grounds of his judgment, insists strongly on the violence employed by the barons. If they really felt themselves aggrieved, they ought, he observes, to have accepted the offer of redress by due course of law. They had preferred, however, to break the oath of fealty, which
 Aug. 24.

true. From public instruments still extant, and published by Brady and Rymer, it is certain that John was at Runnymede on the 19th of June, at Winchester on the 27th, at Oxford on the 21st of July, and that he resided at Dover during the whole of the month of September.

* Paris, 225—227.

they had taken; and had appointed themselves judges to sit upon their lord. They knew moreover that John had enrolled himself among the crusaders; and yet they had not scrupled to violate the privileges which all christian nations had granted to the champions of the cross. Lastly, England was become the fief of the holy see: and they could not be ignorant that if the king had the will, he had not at least the power, to give away the rights of the crown without the consent of his feudal superior. He was therefore bound to annul the concessions which had been extorted from John, as having been obtained in contempt of the holy see, to the degradation of royalty, to the disgrace of the nation, and to the impediment of the crusade. At the same time he wrote to the barons, restating these reasons, exhorting them to submit, requesting them to lay their claims before him in the council to be held at Rome; and promising that he would induce the king to consent to whatever might be deemed just or reasonable, to take care that all grievances should be abolished, that the crown should be content with its just rights, and the clergy and people should enjoy their ancient liberties.* Finding that his exhortations and his promises were equally fruitless, he ordered Langton to excommunicate the disobedient: but that prelate refused: in punishment he was suspended from the exercise of the archiepiscopal functions; nor could he, though he attended the council at Rome, mollify the pontiff, or recover the exercise of his authority. Another sentence of excommunication was then fulminated, in which the chiefs of the confederates were mentioned by name, and the city of London was laid under an interdict. Both censures were equally despised. They had been obtained, so the partisans of the barons argued, on false suggestions, and for objects not within the jurisdiction of the pontiff. He had no right to interfere in temporal concerns: the control of ecclesiastical matters only had been intrusted by Christ to Peter, and Peter's successors.†

John had now assumed a decided superiority, and resolved to wreak the whole weight of his vengeance on the heads of his enemies. At St. Alban's he divided his army into two parts. The command of the one was given to his brother the earl of Salisbury, with the task of spreading devastation over the

Dec. 16.

King ravages the country.

* Rym. i. 203. 205. Par. 223—225.

† Rym. i. 208. 211, 212. Par. 227, 228. 232. Ex hoc maxime quod non pertinet ad papam ordinatio rerum laicarum: cum Petro, apostolo et ejus successoribus non nisi ecclesiasticarum dispositio rerum, a domino sit collata. p. 233.

counties of Essex, Hertford, Middlesex, Cambridge, Ely, and Huntingdon. He placed himself at the head of the other, and directed his march towards the north.

Alexander, the young king of Scotland, had not been less anxious than the English barons, to escape from the yoke of the tyrant: but he required and obtained from them the cession of Northumberland, Cumberland, and Westmoreland, as the price of his co-operation. In October he had

Oct. 18.

crossed the borders, invested the castle of Nor-

Oct. 19.

ham, and received at Felton the homage and fealty of the inhabitants of Northumberland.* As John

advanced, two powerful barons, Gilbert Fitz-Reinforth, and John, constable of Chester, were admitted to the royal favour: but they first gave him hostages from their own families and the families of their principal retainers; and subscribed charters by which they bound themselves to serve him during life; promised neither to keep the oaths which they had taken to his enemies, nor to require the execution of the charter; and submitted to the penalty of perpetual disherison, if they should ever violate these engagements.† But the

1216.

Jan. 11.

other barons, the moment the king entered Yorkshire, setting fire to their stacks and houses, fled

into Scotland, and at Melrose did homage to Alexander, who at the approach of the royal army had raised the siege of Norham. Never, we are told, since the exterminating expedition of the first William, had these provinces been exposed to such horrors, as they now experienced from the vengeance of the king of England. He himself gave the example; and with his own hands set fire in the morning to the house in which he had rested the last night. The castles, towns, and villages, were given to the flames. The monk of Melrose confines his description to the neighbourhood of his own

monastery, where, within the space of eight days, Jan. 7—15. Morpeth, Mitford, Alnwick, Wark, and Roxburgh were entirely consumed. John declared

that he would unkennel the young fox, alluding to the ruddy complexion of Alexander; and followed him to

Jan. 18.

Edinburgh, burning in his return Haddington, Dunbar, and Berwick. But it was not with the towns only that he warred: the miserable inhabitants were abandoned to the cruelty of his rapacious followers, without respect of age or sex, rank or profession. The tortures which they suffered, are too shocking to be related. Whoever possessed any thing,

* Mailros, 189. Anderson's Independence of Scot. App. No. 26.

† Rym. i. 206.

was compelled to deliver all for his ransom. Of those who had nothing, many perished under the hands of their torturers, some by fallacious promises purchased a short respite to be succeeded by more exquisite torments. Nor were the plunderers in the south, if we may believe the monk of St. Alban's, behind their fellows in cruelty and rapacity. Wherever the royal forces could penetrate, the inhabitants fled to the forests and mountains: the labours of agriculture were suspended: and the only markets were held in the church yards, which, as they possessed the right of sanctuary, were generally, but not always, respected by the marauders.*

From the walls of the capital the barons beheld the devastation of their country, but dared not hazard an attempt against the hordes of adventurers, who followed the royal standard. In the north two castles alone remained in their hands: every where their lands had been ravaged, and then, with a liberality which cost nothing to the donor, had been granted in fee to the chiefs of the foreigners. Many days were spent in anxious debate, and unmanly lamentation. They consulted and hesitated: resolved and changed their resolves: till, as a last resource, it was unanimously determined to offer the crown to Louis, the eldest son of the king of France. He was allied to the family of Plantagenet by his marriage with the niece of John: and it was presumed that the mercenaries would refuse to bear arms against the son and heir of their natural sovereign. To the ambition of Louis no offer could have been more acceptable: but, unwilling to trust himself to the doubtful faith of the barons, he demanded and received twenty-four hostages, sons of the noblest families in England. A fleet, carrying a numerous band of French knights, soon ascended the Thames; and a letter from Louis assured the confederates, that he would visit them at Easter with a powerful army. It chanced that the legate Gualo was passing through France on his way to the British isles. He deemed it his duty to prevent, if possible, an expedition so hostile to the views of the pontiff; and finding that his solicitations were disregarded, forbade, under the penalty of excommunication, either father or son to invade a kingdom, which was a fief of the holy see. Philip affected to hesitate: but Louis hastily turning towards him, said; "I am your liege man, Sir, for the fees which you have given me: but with the kingdom of England you can have no concern. And I put it to the judgment of my peers,

Barons offer the crown to Louis.

Apr. 26.

* Compare Mailros, 189, 190, with Paris, 230—232.

whether you ought to prevent me from obtaining a crown, to which in right of my wife I can show a lawful title." Without waiting for an answer, he departed, and ordered his retainers to rendezvous at Calais.*

His pre-
tended
claim.

The reader has probably been startled at the mention of this unexpected right. He will soon learn the arguments by which it was supported, arguments so weak, that they were probably advanced for the sole purpose of gaining time. The agents of Louis arrived at Rome, were introduced to the pontiff, and assured him that their master was an obedient son of the church: that he had not undertaken the expedition to carry assistance to the excommunicated barons, but solely to assert the title of his wife Blanche to the crown of England. This title they asserted to rest on the ground that John was not in reality king: for 1. he had been attainted of treason in the court of his brother Richard, and therefore was incapable by law of ascending the throne; and 2. he had been found guilty of felony and murder by his peers in the court of his lord the king of France, and had of consequence forfeited the crown, even in the supposition of his having previously possessed a just title to it. Innocent smiled at these arguments, and requested to know, how Blanche came to be the next heir? Where were the children of John, or his nephew Otho, or the mother, the brother, and the elder sister of Blanche? To this question it was replied that the children of John were born after his condemnation, and could claim no right, with which their father was not invested at the time of their birth: that neither could the issue of Geoffry duke of Bretagne, or of Matilda dutchess of Saxony, possess any title, because that prince and princess were both dead, when sentence was passed on their brother. But the queen of Castile was then living, and therefore became the true heir: and Blanche, though she was not the eldest of her children, had a right, as long as the nearer heirs were silent, to put in her claim. Louis certainly meant to conquer the English crown: but if any other person should come forward, and show a better right, he was willing that justice should be done. Such reasoning might amuse, it could not satisfy the mind of the pontiff. He waited however till he had received despatches from the legate, and then solemnly excommunicated Louis and his abettors. Soon afterwards he commanded the archbishop of Sens to fulminate a similar sentence against Philip: but the French bishops in a synod at Melun, resolved to disregard the papal mandate, on

* Paris, 236. West. 276.

the ground that the pope had not been truly informed. That Innocent would have lanced his anathemas against their disobedience, cannot be doubted: but in a few weeks that active and fearless pontiff expired: his death suspended all ecclesiastical proceedings at Rome; and John saw himself deprived of his most powerful friend at a moment when he stood in the greatest need of his protection.

July 16.

At the appointed time Louis departed from Calais with a fleet of six hundred and eighty sail.

He lands in England.

The weather was stormy, and dispersed the ships: many were taken by the mariners of the cinque ports: and John with a numerous army lay in the vicinity of Dover. But his heart failed him at the approach of the enemy: he feared that his mercenaries might desert him; decamped on a sudden; and ravaging the country as he passed, retired through Winchester to Bristol, where he was joined by the legate. The French prince, having waited three days for the stragglers, landed at Sandwich, besieged and reduced the castle of Rochester, and hastened his march to the capital. He was received in procession by the barons and citizens, and conducted to St. Paul's, where, after he had made his prayer, he received the homage of his new subjects, and took a solemn oath to govern them by good laws, to protect them against their enemies, and to reinstate them in their former rights and possessions.* By his affability Louis charmed the natives: he won their confidence by appointing Simon Langton, the brother of the primate, to the office of chancellor. The campaign was opened with the fairest promise of future success. All the counties in the neighbourhood of the capital submitted: the men of Lincolnshire and Yorkshire, with the king of Scots, declared in his favour: the foreigners, who had hitherto swelled the army of John, began, with the exception of the natives of Gascony, either to join his standard, or to return to their homes: and at his summons several of the royal barons, perhaps through fear of his power, perhaps with the view of spreading disaffection among his adherents,† hastened to do him homage and to swear fealty. Still the spirits of John were upheld by the presence of Gualo, who fought most manfully with his spiritual weapons, and by the know-

May 21.

May 30.

June 2.

June 14.

* Paris, 237. Chron. Dunstap. 75.

† Mailros, 191. Among them was his brother William, earl of Salisbury. But his desertion was the effect of resentment: quia ei innotuit dictum Joannem regem cum ipsius uxore rupto fœdere naturali commississe incestum. Gul. Armor. 90.

ledge, that if his rival had gained possession of the open country, yet every fortress of importance was garrisoned by his own troops. To reduce these fortresses was the next object

of the confederates. Louis besieged the castle
 July 25. of Dover; the barons, under the earl of Nevers, that of Windsor. The prince had received from his father a military engine of the most formidable description, called the *mal-voisin*, or bad neighbour, with which he expected to make a breach in the walls. But the garrison kept him at too great a distance, compelled him to turn the siege into a blockade, and employed him in this useless project during the space of

four months. The tediousness of the siege was
 Aug. 8. partially relieved by the arrival of a royal vassal, Alexander, king of Scots, who, in consequence of a summons to that purpose, after the reduction of Carlisle, marched through the heart of the kingdom within sight of John, visited Louis at Dover, obtained a confirmation of the cession made to him by the barons, did homage in London, and returned to his own country without molestation.*

While his enemies lay before the two castles,
 King is joined by some of the barons. the king had improved the opportunity to pillage their estates, and intercept their supplies. He was at Willingford, when the barons, by the
 Sep. 13. persuasion of the earl of Nevers, whom they afterwards charged with perfidy, undertook to surprise him. They raised the siege, and marched rapidly to Cambridge: but the king, anticipating their object, had already passed through that city and retired as far as Stamford.

Foiled in this attempt, they returned to join Louis
 Sep. 22. at Dover, while John reduced Lincoln, and again distributed among his followers the lands belonging to the confederates. The royal cause began to assume a more promising aspect. The two last months had been wasted in idleness by the French prince: the men of the cinque ports perpetually intercepted his supplies from France: associations against him had been formed in Hampshire and Sussex; and John, to invigorate the efforts of his friends, had not been sparing of promises to enlarge the privileges of those who were free, and to bestow liberty and rights on those who were not.† Louis, by grants to his own countrymen, particularly of the earldom of Winchester to the count de Nevers, and of that of Lincoln to Gilbert de Gand, had alarmed the English

* Mailros, 191. Paris, 241. Dunstap. 76. Anderson's Independence of Scot. App. No. 26.

† Rym. i. 214.

barons:* and it was whispered that the viscount de Melun had confessed on his death bed, that he had sworn with the prince and fifteen others to treat the natives as men, whose perfidy to their late, was an earnest of future perfidy to their new sovereign.† They became jealous of their allies: and several barons and knights actually joined, forty others on the promise of pardon offered to join, the royal standard.‡ The king returned from Lincoln through Grimsby and Spalding to Lynn, a town strongly attached to his interests, and the general depot for his supplies and treasures. Thence he marched to Wisbeach, and resolved to proceed athwart the Wash from the Cross Keys to the Fossdike. The army had reached the land: but on turning back John beheld a long train of wagons and sumpter-horses, which carried his jewels, insignia, and money, swallowed up in a whirlpool, caused by the afflux of the tide and the current of the Welland. With a heavy heart he proceeded to the Cistercian convent of Swineshead, where fatigue, or anxiety, or poison, or a surfeit (for all these causes are mentioned)§ threw him into a dangerous fever. He set out, however, in the morning: but was obliged to exchange his horse for a litter, and was conveyed with difficulty to the castle of Sleaford. There he passed the night, and dictated a letter to the new pope Honorius III. recommending in the most earnest terms the interests of his children to the protection of that pontiff.|| The next day conducted him to the castle of Newark; where, sensible of his approaching fate, he sent for a confessor, appointed his eldest son Henry to succeed him, and expressed a wish that his body might be buried at Worcester, near the shrine of St. Wulstan. He expired three days later, in the forty-ninth year of his age, and the seventeenth of his reign.¶

Oct. 2.

Oct. 9.

Oct. 12.

Loses his
treasures.

Oct. 14.

Oct. 15.

Dies.
Oct. 19.His cha-
racter.

When Giraldus delineated the characters of the four sons of Henry, John had already debased his faculties by excess and voluptuousness. The courtly eye of the preceptor could indeed discover the germ

* Paris, 240. Dunst. 76.

† Paris, 241.

‡ Paris, 242. Dunst. 78. In detailing the motions of the king I have deserted Paris, who is evidently mistaken, and adopted the route and dates, which Brady has extracted from the rolls. Brady, ii. 515.

§ Paris, 242. West. 276. Wikes, 38. Waverl. 182. Heming. 560.

|| Apud Raynald. i. 231.

¶ Paris, 242. West. 276.

of future excellence in his pupil:* but history has recorded only his vices: his virtues, if such a monster could possess virtues, were unseen or forgotten. He stands before us polluted with meanness, cruelty, perjury, and murder; uniting with an ambition, which rushed through every crime to the attainment of its object, a pusillanimity which often, at the sole appearance of opposition, sank into despondency. Arrogant in prosperity, abject in adversity, he neither conciliated affection in the one, nor excited esteem in the other. His dissimulation was so well known, that it seldom deceived: his suspicion served only to multiply his enemies: and the knowledge of his vindictive temper contributed to keep open the breach between him and those who had incurred his displeasure. Seldom perhaps was there a prince with a heart more callous to the suggestions of pity. Of his captives many never returned from their dungeons. If they survived their tortures, they were left to perish by famine. He could even affect to be witty at the expense of his victims. When Geoffrey, archdeacon of Norwich, a faithful servant, had retired from his seat at the exchequer on account of the interdict, the king ordered him to be arrested, and sent him a cope of lead to keep him warm in his prison. The cope was a large mantle, covering the body from the shoulders to the feet, and worn by clergymen during the service. Wrapt in this ponderous habit, with his head only at liberty, the unhappy man remained without food or assistance till he expired.† On another occasion he demanded a present of ten thousand marks from an opulent Jew at Bristol, and ordered one of his teeth to be drawn every morning till he should pay the money. The Jew was obstinate. The executioners began with his double teeth. He suffered the loss of seven: but on the eighth day solicited a respite, and gave security for the payment.‡

John was not less reprehensible as a husband, than he was as a monarch. While Louis took from him his provinces on the continent, he had consoled himself for the loss in the company of his beautiful bride: but he soon abandoned her to revert to his former habits. The licentiousness of his amours is reckoned by every ancient writer among the principal causes of the alienation of his barons, many of whom had to lament and revenge the disgrace of a wife, or daughter, or sister. Isabella, to punish the infidelity, imitated the conduct, of her husband. But John was not to be insulted with

* Girald. 753.

† Paris, 192. Chron. Dunst. 57

‡ Ibid.

impunity. He hanged her gallants over her bed.* She bore him three sons, Henry, Richard, and Edmund; and three daughters, Jane, Eleanor, and Isabella. His illegitimate children were numerous. Nine sons and one daughter are mentioned by historians.

* See Parth, 205. West. 276. Girald, 812. Heming. 557, 558.

CHAP. II.

HENRY III.

CONTEMPORARY PRINCES.

<i>Emp. of Germany.</i>	<i>K. of Scotland.</i>	<i>Kings of France.</i>	<i>Kings of Spain.</i>	<i>Popes.</i>
Otho IV. 1218.	Alexander	Philip Augus-	Henry I. 1217.	Honorius III. 1227.
Frederic II. 1250.	II. 1249.	tus 1223.	Frederic III. 1252.	Gregory IX. 1241.
Interregnum of	Alexander	Louis VIII. 1226.	Alphonso X.	Celestin IV. 1241.
23 years. 1272.	III.	Louis IX. 1270.		Innocent IV. 1254.
		Philip III.		Alexander IV. 1261.
				Urban IV. 1264.
				Clement IV. 1268.
				Gregory X.

CORONATION OF HENRY—DEPARTURE OF LOUIS—RIVALSHIP OF THE MINISTERS—FALL OF HUBERT DE BURGH—DISPUTES WITH SCOTLAND—WITH WALES—WITH FRANCE—PAPAL CLAIMS—TALLAGES—PROVISIONS—ACCEPTANCE OF THE CROWN OF SICILY—CONTROVERSY BETWEEN THE KING AND BARONS—PROVISIONS OF OXFORD—BATTLE OF LEWES—VICTORY OF EVESHAM—DEATH OF THE KING—COMMONS IN PARLIAMENT—LAWS AND POLICE—ENGLISH BISHOPS.

Coronation of Henry. HENRY of Winchester had just completed his tenth year, when he found himself, by the sudden death of his father, in possession of the title, but with little of the power, of a king. In the capital and the opulent provinces of the south Louis reigned almost without an opponent: in the other counties his partisans were the more active, and his cause the more popular: and on the west and north the princes of Wales and the king of Scotland had acknowledged his authority, and become his vassals. Still the son of John could depend on the swords of the barons and foreigners, who had remained faithful to his father, on the powerful protection of the holy see, on the wavering disposition of the natives who adhered to his rival, and on the pity which would naturally be excited by his

youth and innocence. On the tenth day after the decease of the late monarch he was led to the cathedral of Gloucester; and having taken the oath usually administered to the English kings, and sworn fealty to pope Honorius, was crowned by the legate Gualo, and the bishops of Winchester, Exeter, and Bath: who placed on his temples a plain circle of gold in lieu of the crown, which had been lost with the rest of the royal treasures. The next day a proclamation was issued, in which the new king, lamenting the dissention between his father and the barons, a dissention which he should for ever dismiss from his memory, promised to all his subjects a full amnesty for the past, and their lawful liberties for the future; required the tenants of the crown to do homage and swear fealty to himself as their legitimate sovereign; and forbade any person to appear in public during the next month without a white fillet round the head in honour of his coronation. The care of his person was intrusted to the earl of Pembroke, earl marshal, with the title of guardian of the kingdom.*

Oct. 28.

A great council had been summoned to meet in a fortnight at Bristol, and was attended by all the bishops and abbots, by several earls and barons, and by many knights, who took the oath of allegiance, and performed the feudal ceremony of homage. But the great object of the meeting was to reconcile the claims of the crown with those of the subject, to satisfy the demands of the adverse barons, without trenching too deeply on the royal prerogative. For this purpose the great charter was revised, and cut down from sixty-one chapters to forty-two. 1. Every clause of a temporary nature, or which personally regarded the late king and his opponents, was struck out. 2. Several clauses were omitted which appeared to bear hard on the ancient claims of the crown: particularly those which related to the right of levying aids and scutages, and of convoking the great council; which abolished the abuses of forests and foresters, warrens and warreners, sheriffs, bailiffs, and other royal officers; which required notice to be given to the relations before the marriage of the heir; which granted the liberty of egress out of, and ingress into, the kingdom; and which allowed the goods of persons dying intestate to be divided among their relations after the payment of their just debts. But it was distinctly stated that these provisions had not been repealed. Their operation was only suspended, till they could be submitted to

Confirma-
tion of the
great char-
ter.

Nov. 12.

* Rym. i. 215. Paris, 243. Wikea, 38.

the consideration of a full assembly of the barons of both parties.* 9. Some improvements were introduced. The lord was forbidden to assume the custody of the person and lands of the heir, till he had received the homage of his ward: because, before that homage, he was not bound to defend the interests of his vassal. All the provisions respecting wardships were extended to the custody of vacant benefices, with this exception, that such custody should not be sold. The rate at which carriages might be taken for the king's use was fixed:† and some regulations were added respecting the payment of his debts. The ratification of the charter in this form was received with gratitude by the royalists: nor was it violently condemned by their opponents, when they learned that the clauses, which had been omitted, were still reserved for future discussion.‡

Difficulties of Louis. If Louis had rejoiced at the death of John, he quickly found that the son would prove a more formidable competitor than the father. The youth and innocence of Henry excited universal compassion. John indeed, it was said, had been a tyrant: but what crime had the prince committed, that he should forfeit the crown to which he was born? His rival was a Frenchman, who daily betrayed an unjust partiality in favour of his countrymen. Even now, while his success depended on the efforts of his English adherents, many a native saw with indignation the honours which he claimed as a right, bestowed as a reward by this foreign prince on his foreign retainers. To aid such favourable impressions, and to foment the jealousy and discontent of their adversaries, became the policy of Gualo and Pembroke. To all who returned to their allegiance, their former liberties were confirmed: tales of the arrogance of the French, and of their contempt for the natives, were industriously circulated: the report of a conspiracy against the chief of the English nobility was revived and believed: and the minds of men were awed and confounded by the weekly repetition of the excommunication fulminated against Louis and his adherents. Neither did the pontiff forget the interests of his young vassal. By his letters he stimulated the zeal of the

* Quia quædam capitula in priore charta continebantur, quæ gravia et dubitabilia videbantur, scilicet de scutagiis placuit supradictis prælati et magnatibus ea esse in respectu, quosque plenius consilium habuerimus. Mag. Char. i. Hen. III. c. 61.

† Hence it appears that the hire of a cart with two horses was 10*d.*—with three horses 14*d.* per day. Mag. Chart. c. 23.

‡ Compare the charter of the 17th of John with that of the 1st of Henry. See also Rym. i. 215.

legate, and sought to awaken sentiments of loyalty in the barons. To justify their rebellion, he observed, they had formerly alleged the tyranny of John. But that plea must now be abandoned. The tyranny of John had perished with the tyrant; and if they persisted to oppose the succession of his son, they would prove that their former assertions were but pretences, and that they had been actuated by motives which they were ashamed to avow.* By these means a revolution was gradually wrought in the public mind to the advantage of Henry; and the hopes of the royalists were cheered by the return of the earl of Salisbury and of several knights, who came to swear fealty to their native sovereign. Even William D'Albiny, as soon as he had recovered his liberty by the payment of six thousand marks, unfurled the royal standard.†

Louis had at last raised the siege of Dover, and to compensate himself for the loss of his time at the foot of that fortress, had taken the two castles of Hertford and Berkhamstead. Dec. 6.
 Pembroke surrendered to him two others as the price of a truce till the festival of Dec. 20.
 Easter, a suspension of hostilities equally useful to both parties. The French prince employed the interval to revisit the continent, and collect a numerous band of auxiliaries: the marshal profitted by his absence to detach more of the confederates from his interests. At the termination of the armistice hostilities recommenced with the siege of Montsorel by the royalists. To relieve 1217.
 the fortress, the confederate army, to the number April 30.
 of six hundred knights and twenty thousand men, marched from London under the command of the count of Perche. Its route was marked by every kind of excess, particularly on the part of the foreign infantry, whose nakedness was clothed, and poverty enriched, at the expense of the natives. The royalists did not wait their approach: and the confederates, instead of pursuing the fugitives, Battle of Lincoln.
 entered Lincoln amidst the acclamations of the inhabitants, and besieged the castle, which was gallantly defended by a celebrated heroine, Nichola de Camville. Pembroke immediately summoned the tenants of the crown to meet him at Newark, and was able to number among his followers four hundred knights with their esquires, May 14.
 two hundred and fifty cross-bowmen, and a numerous body of infantry. Three days were employed in

* Ep. Honor. apud Raynald. i. 232.

† Paris, 245. Dunstap. 78, 79. Rym. i. 216.

marshalling the army, and in performing the duties of religion. For the legate had given a religious character to the expedition. He exhorted the soldiers to fight for their God, their king, and their country; excommunicated all their op-

ponents; and imparted to the combatants the privileges usually granted to the crusaders. They marched from Newark in seven divisions with white crosses sewed on their breasts: the bowmen kept a mile in advance, and the baggage a mile in the rear. This disposition deceived the confederates, who, taking the baggage for a second army, unwisely shut themselves up within the walls, and at the

May 18. same time by way of bravado made a brisk assault on the castle. But the bowmen, who had been admitted by a postern into the fortress, thinned with their arrows the ranks of the assailants, and, by killing the horses of the knights, laid them in their armour on the ground. The rest of the royalists wheeling round, burst open, after a sharp conflict, the northern gate: and at the same moment a sortie was made from the castle. Dismay and confusion now spread through the ranks of the barons. The most spirited, unable to withstand the torrent that rushed into the city, were carried before it: the crowd ran to the opposite portal: but the narrow and winding passage was soon choked, and the fugitives were compelled to recoil on their pursuers. The meaner combatants met with no mercy: but little noble blood was spilt by the victors, who, prompted by relationship or the hope of ransom, sought not to slay, but to capture, their enemies. The count of Perche alone lost his life. He fought in a church yard, till his horse was killed: and when a voice called out to him to accept of quarter, he replied with an oath that he would never surrender to an English traitor. Irritated by the reproach, a soldier thrust his pike through the eye of the count's visor into his brain. The number of the captives amounted to three earls, eleven barons, and four hundred knights. Two hundred others escaped by different roads to London: the foot soldiers, seeking to follow them, were all massacred by the inhabitants of the villages which lay in their route.

This victory, which secured the crown on the head of the young king, was called, in the quaint language of the time, "the fair of Lincoln." There were few of the conquerors who were not enriched by it. As soon as resistance ceased, the city, which had long been distinguished by its attachment to the barons, was given up to pillage. Even the privileges of the churches could not save them from the rapacity of the royalists. But the fate of the women and children was more

deplorable. When the gate was forced, they crowded for security into the boats on the river. Some sank under the weight: others were lost by mismanagement: and of the fugitives the greater part was drowned.*

The destruction of his army confined Louis within the walls of London: where, though he had built up all the gates except one, and had compelled the citizens to renew their oaths of allegiance, he was perpetually alarmed with the discovery of conspiracies against him. His only hope rested on the exertions of his consort, Blanche of Castile, who in person solicited aid from the most powerful of the French nobles. At length an armament of eighty large vessels, besides galleys and smaller ships, put to sea from Calais, under the command of the celebrated pirate, Eustace le Moine: To oppose this formidable fleet Hubert de Burgh, the justiciary, had collected forty sail from the cinque ports: but the disparity of force was so alarming, that several knights refused to embark, under the pretence that they were not acquainted with the manner of naval engagements. Nor was Hubert himself unaware of the danger. Before his departure he received the sacrament in private; and gave the most positive orders that the castle of Dover should not be surrendered to the enemy on any terms, not even to save his own life, in the event of his being made prisoner. The English were soon in sight of the French, sailed past them, as if their object were to surprise Calais, and suddenly tacking bore down in a line on their rear. The bowmen and archers began the engagement with a volley of arrows: as soon as the ships came in contact, they were fastened together with chains and hooks: powder of quicklime was scattered in the air, that it might be carried by the wind into the eyes of the enemy: and the English, leaping on board with axes in their hands, rendered the ships unmanageable by cutting the rigging. The French, unaccustomed to this manner of fighting, made but a feeble resistance; and only fifteen vessels out of the whole number escaped. One hundred and fifteen knights with their esquires, and more than eight hundred inferior officers, were taken. Eustace who had secreted himself in the hold of his ship, offered a large sum for his ransom: but Richard Fitzroy, one of John's illegitimate children by a daughter of the earl Warenne, spurned the proposal, and instantly

Defeat of
the French
fleet.

Aug. 24.

* See Paris, 247—249. Dunstap. 80—82. Waverley, 183. Mailros, 94. Gul. Armor. 90.

struck off his head, which was afterwards carried on a pole from town to town, as a proof of the victory.*

Louis abandons the enterprise. It was now evident that the hopes of Louis were at an end. Instead of fighting for the crown of England, he was compelled to negotiate for his personal safety. A treaty of peace was signed at Lambeth, by which the prisoners on both sides were liberated; an amnesty was granted to the English adherents of Louis; and that prince with his foreign associates was allowed to return in safety to France.

Sep. 11. For conditions so favourable we are told that he was indebted to a promise confirmed upon oath, that on his accession to the French crown, he would restore to Henry all the provinces which had belonged to Henry's father. Though no such promise appears in the treaty, it is probable that it was made, from the manner in which it was frequently though ineffectually urged by the king on later occasions: still it must appear strange that the English ministers, with the heir of the French monarchy at their mercy, should have been satisfied with a delusive engagement, which it was probable that Louis would never have the will, or if he had the will, would never have the power, to execute.†

Second confirmation of the charter. The departure of Louis secured the crown to Henry: but the young king had not a single relation to whom he could recur for advice, or to whom he might intrust the care of his interests.

Even the queen mother, who by her misconduct had already forfeited the confidence of the nation, abandoned her son to hasten back to France, and marry her former lover, the count of La Marche. But Honorius, as feudal superior, declared himself the guardian of the orphan; and commanded Gualo, to reside near his person, watch over his safety, and protect his just rights. The legate discharged his trust with fidelity, and found in the earl marshal a coadjutor actuated by the same zeal, and concurring in the same sentiments. The itinerant justices were ordered to summon all knights and freemen to their courts, and to administer to them an oath, that they would keep the king's peace; would observe the good laws and rightful customs of the realm; and at the command of the king and council would assemble and oppose the enemies of the king and kingdom.‡ The charter was again confirmed,

* Paris, 250, 251, with the Var. lect. Waverley, 183. Mailros, 193. Gul. Armor. 90.

† Paris, 251. Rym. i. 221.

‡ Dunst. i. 86.

but with additional alterations. A clause was added, ordering the immediate demolition of every castle built or rebuilt since the commencement of the civil war: and the chapters regarding the forests and warrens were withdrawn, to form a new instrument called the charter of forests. By this all forests enclosed since the death of king Richard were thrown open: all outlawries for offences of the forest incurred within the same period, were reversed: the punishment for killing the king's venison was commuted into a heavy fine or a year's imprisonment: the courts of the foresters were regulated, unjust tolls abolished, and the right to cultivate and improve their own lands was confirmed to the holders of estates within the royal forests.* At the same time, to prevent the diminution of the revenue, a law was passed, prohibiting the king's ministers, during his minority, to put the great seal to any charter or letter of confirmation or sale, or alienation, or gift in perpetuity, and declaring beforehand all such instruments invalid and of no effect.†

1218.
Feb. 22.

The late contest had generated a spirit of insubordination, which bore with impatience the restraint of legitimate authority: and the barons of the two parties frequently betrayed the animosity which still rankled in their breasts, by deeds of outrage or messages of defiance. The legate and marshal sought to heal these wounds by conciliation. Minor transgressions were prudently overlooked: but they visited with severe punishment those excesses, the neglect of which would have argued weakness or timidity on the part of the administration. By degrees tranquillity was restored; and in the autumn Gualo returned to Rome. He was succeeded by Pandulph, who followed the example of his predecessor, and watched with solicitude over the interests of the young king. His presence was rendered the more necessary by the death of the earl marshal: after which the exercise of the royal authority was intrusted to Hubert de Burgh, the justiciary; the custody of the royal person to Peter des Roches, bishop of Winchester. With the former the reader is already acquainted: Des Roches was a Poitevin, who had enjoyed the confidence of John, and more than once had been appointed by him guardian of the kingdom. These ministers were rivals: if the justiciary possessed a greater share of power, the bishop enjoyed more

Rivalry between the ministers.

Nov. 22.

1219.

* Brady, ii. App. No. 145.

† Ibid. No. 146.

opportunities of cultivating the friendship of his pupil: and while the one sought the support of the native families, the other proclaimed himself the protector of the foreigners, whom the policy of John had settled in the island. The presence of Pandulph was a constant check on the ambition of these rivals: by his letters and speeches he reproved their negligence, and stimulated their industry: and by his advice the justiciary and chancellor were made to swear, that during the minority they would not dispose of any of the great fiefs of the crown. He repaired to Wales, and restored peace on the borders: he met the king of Scots at York, and negotiated a peace between the two kingdoms: and by his letters and services he greatly contributed to prolong the truce between England and France.* As doubts had been raised

1220.
May 17. ed respecting the coronation at Bath, that ceremony was again performed with the accustomed solemnity by the archbishop, who, with the permission of

1221. Honorius, had returned to England: and the next year Alexander of Scotland, married at York, Joanna, the eldest of the two sisters of Henry, and did homage to his brother-in-law. At the same time one of the Scottish princesses, who had so long been in the custody of the English crown, was also married to Hubert: the other remained single: but a hint was given that Henry meant to associate her with himself on the throne. Pandulph immediately returned to Rome.

Henry declared of age. During the contest between John and the barons, that prince had lavishly distributed the crown lands among his partisans, as well foreigners as natives: and those who had the command of the royal castles at his death, pertinaciously refused to give them up to the government, alleging that they kept them in trust for the king during his minority. To wrest these fortresses from the hands of the powerful vassals who held them, was an important but difficult object. Honorius had instructed Pandulf to insist that no individual should hold at the same time the custody of more than two of the royal castles: he then ordered the bishop and justiciary to demand from the

* For the services of Pandulph, see his letters in Rym. i. 235—237. 240, 241. It appears that the treaty which William king of Scotland had been compelled to make with John, was considered so burdensome or so disgraceful, that Alexander had applied to the pontiff, to examine it and pronounce according to law, whether it were binding or not. Honorius referred the matter to Pandulph. Ibid. 235. It is singular that the substance at least of that treaty has not been preserved. We are also ignorant of Pandulf's decision.

holders all escheats and wardships; and at last solemnly declared, at the request and with the assent of the great council, that Henry was of sufficient age to have the free disposal of his lands, castles, and wards, though not to plead or be impleaded in courts of justice. Hubert immediately in the king's name demanded the surrender of the wards and castles: and the earls of Chester and Albemarle in return made a fruitless attempt to surprise the city of London. Their conduct was arraigned by Hubert, and excused by Des Roches. The discontented barons determined to keep the Christmas at Northampton: but Henry proceeded to that town with the archbishop and bishops, and so numerous a train of earls and knights, that his opponents were intimidated, solicited his pardon, and abandoned all their pretensions.*

1223.
Dec. 25.

Another event followed, which established the authority of Hubert, and induced his rival to banish himself from the island, under the pretence of making a pilgrimage to the holy land.

Submission
and exile of
Fawkes.

Among the foreigners enriched by John was a ferocious and sanguinary ruffian, named Fawkes, who held the castle of Bedford by the donation of that monarch. At the assizes at Dunstable he had been amerced for several misdemeanors in the sum of three thousand pounds: but instead of submitting to the sentence, he waylaid the judges at their departure, and seizing one of them, Henry de Braibrock, confined him in the dungeon of the castle. Hubert willingly grasped at the opportunity of wreaking his vengeance on a partisan of the bishop of Winchester: and the king was induced to invest in person the fortress of this audacious rebel. Two towers of wood

1224.
June 5.

June 16.

were raised to such a height, as to give the archers a full view of the interior of the castle; seven military engines battered the walls with large stones from morning till evening; and a machine, termed a cat, covered the sappers in their attempts to undermine the foundations. Fawkes, who had retired into the county of Chester, had persuaded himself that the garrison would be able to defend the castle for twelve months. But the barbican was first taken by assault; soon afterwards the outer wall was forced, and the cattle, horses, and provender in the adjacent ward, fell into the hands of the victors: a breach was then made in the second wall by the

* Dunst. 136—138. Rym. i. 240. 254. 263. The reason given to the pontiff by the council was, that "the prudence and discretion of Henry were such as to supply the want of age." Paris, Addit. No. 1.

miners, and the royalists, though with considerable loss, obtained possession of the inner ward: a few days later the sappers set fire to the props which they had placed under the foundations of the keep; one of the angles sank deep into the ground; and a wide rent laid open the interior of the fortress. The garrison now despaired of success. They planted the

Aug. 13. royal standard on the tower; and sent the women to implore the king's mercy. But Hubert resolved to deter men from similar excesses by the severity of the punishment. The knights and others to the number of eighty were hanged: the archers were sent to Palestine to fight against the Turks; and Fawkes, who now voluntarily surrendered himself, being stript of his money, jewels, and lands, was banished from the island, together with his wife and family.*

Third con- The consequences of the improvident grants made by the two last monarchs, now began to unfold themselves. Under the pretence of resist-
firmation of the charter. ing an invasion threatened by the king of France,
1225. Henry assembled a great council, and most urg-

ently demanded an aid. The demand was refused: but the wants of the crown would admit of no delay; and after some negociation it was stipulated that a fifteenth of all moveables should be granted, but on the condition that the two charters should be solemnly ratified.† They had already been confirmed twice since the commencement of his reign: but his officers had laughed at their confirmation, and refused to carry their provisions into effect.‡ But it was no longer necessary for the barons to take up arms: poverty had subdued the reluctance of the king and his ministers:

Feb. 11. and the two charters were ratified in that form which they have ever since retained. By additional articles it was provided that the widow should have for her dower the third part of all the lands, which had belonged to her husband during the coverture, unless she had been endowed with a smaller portion at the door of the church: that no freeman should lawfully alien so much of his land, as to render himself incapable of performing his services to the lord of

* Paris, 270. Dunst. 142—145. Annal. Wigorn. 486. I have been more diffuse in relating the particulars of this siege, as it explains the manner in which such operations were conducted.

† Brady, ii. App. No. 150. The money was to be placed in the treasury: and none of it taken out before the king was of age, unless for the defence of the realm, and in the presence of six bishops and six earls. The fifteenth amounted to 59,000*l*. Paris, Addit. No. 1. The ancient mode of laying these imposts will be afterwards explained.

‡ Dunst. i. 151.

the fee: and, as a check on alienations in mortmain, that no one should give his land to a religious house, to hold it again of the same house; nor on the other hand should any religious house receive lands, to lease them out to the donor. Assizes of darrein presentment were sent back to the justices of the bench: the county courts were ordered to be held only once a month: the sheriff's tourn only twice in the year: and the view of frankpledge only at Michaelmas. Lastly it was enacted, that all men should enjoy the same liberties, and that escuage or scutage should be levied in the same manner, as in the reign of Henry II.*

The departure of the bishop of Winchester had left Hubert without a competitor: and though the pontiff had warned the king not to make himself a member of one party, but to arbitrate as a parent and sovereign between both, Henry willingly lent to his favourite the whole of his authority. Hubert for several years reigned without control: others were impoverished by the compulsory resignation of the profits which they had made during the minority; he was annually enriched by new grants of land, escheats, and wardships: but while he thus attempted to consolidate his own power, he supplied his enemies with weapons of annoyance by repeated instances of rapacity and ambition. An unsuccessful expedition into France, in which he accompanied the king, gave the first shock to his power: it was followed by the ominous arrival of Peter des Roches, whom Henry received with expressions of the warmest affection.† The fall of the favourite was now confidently predicted: every tongue loudly accused his avarice and despotism; and when, on occasion of an inroad by the Welsh, Henry lamented his want of money, he was told that he might easily extort it from Hubert and his relatives, who for years

The fall of
Hubert.

* Annal. Burt. 271—278. Stat. at large, Ann. nono Henry III. Paris tells us that two years later, when Henry came of age, he repealed of his own authority the charter of the forests (p. 283): but I have learned to doubt the assertions of that writer, when he is not supported by other documents. He has already told us that in 1223 the archbishop had insisted on the ratification of the charters, that the king promised it, and by his letters ordered inquiries to be made in every county after the liberties enjoyed in the time of Henry II. (p. 266, 267). Unfortunately for the credit of the historian, these letters are still extant, and prove to be exactly of an opposite nature. The sheriffs are to inquire what customs and liberties John had in every county before the war, and to enforce the same for the benefit of the king. See them in Brady, App. No. 149.

† Paris mentions that in the year 1231 Henry determined not to marry the princess Isabella of Scotland, because she was the youngest sister of Hubert's wife (p. 812): yet the truth is, that Isabella had already been married six years to Roger, the son of earl Bigod. Rym. i. 278.

1232. had been accumulating wealth at the expense of the crown. The advice was adopted: the inferior officers of government were called to account; and Hubert received an order to answer for all the wardships which he had held, all the rents of the royal demesnes which he had received, and all the aids and fines which had been paid into the exchequer, from the day of his appointment to the office of justiciary: a period including the whole of the present, and a great part of the late reign. Whether it were that he despaired of justice, or that he was conscious of guilt, he fled to the priory of Merton. At first the king determined

Sep. 3. to take him away by force, and for that purpose despatched the mayor of London with an armed body of citizens: but on more mature deliberation, and at the petition of his only friend the archbishop of Dublin, the space of five months was granted him to prepare for his trial.*

He is im- Hubert, finding himself at liberty, left his
prisoned sanctuary, and proceeded towards Bury St. Ed-
and re- mund's to visit his wife: but the king, who had
leased. been persuaded that it was dangerous to permit him to remain at large, despatched a body of three hundred horsemen with orders to arrest and convey him to the Tower. The earl was in bed, when he heard of their approach. He arose in haste, fled naked to the parish church of Boisars, and on the steps of the altar, with the host in one hand, and a cross in the other, awaited the arrival of his pursuers. They had no order to take his life; but placing him on horseback, and tying his feet under the belly, proceeded with their captive towards the metropolis. Henry, however, was aware, that this violation of the privileges of the church would excite re-

monstrances and opposition. The prisoner was
Sept. 27. carried back to his sanctuary: and the sheriff of Essex was charged, under penalty of death, to seize his person, whenever he should attempt to escape. But his escape was rendered impracticable by a deep moat which had been dug, and a line of palisades which had been drawn round the church: and on the fortieth day hunger or despair induced the unfortunate earl to surrender himself to his guards, by

whom he was conducted to the Tower. Henry
Nov. 11. ordered him to be set at liberty, and to appear in Cornhill before the court of his peers. When the accusations against him had been read, Hubert replied that he should offer no defence; but that he placed his body, his lands, and his chattels at the king's pleasure. The judges deliberated:

* Paris. 311. 317—319.

they agreed that if judgment were pronounced, they must condemn him to forfeiture and death; and therefore, with the permission of the prosecutors, recommended his case to the consideration of the king. An award, to which all parties consented, was at length given: the earl forfeited to the crown his goods and chattels, with the lands which he held in chief of the king, retaining for himself and his heirs his patrimonial inheritance, and the lands which he held of mesne lords: four earls undertook to keep him in safe custody in the castle of Devises till he should enter the order of the knights templars, in the event of his wife's death, or should be discharged by direction of the king and great council: and Henry pledged his word not to grant him any additional favour, nor to inflict on him any additional punishment.* But the next year dissensions arose between the king and the barons, and the custody of the castle was given to a retainer of the
 bishop of Winchester. Hubert, who dreaded to
 1233.
 Oct. 12.
 fall into the power of his enemy, dropped from the wall into the moat during the obscurity of the night, and made his way to a neighbouring church. Here he was immediately surrounded by the sheriff and his officers: but in a few days a party of horse overpowered his guards, and conducted him to the earl of Pembroke in Wales.
 Oct. 30.
 When peace was restored between the king and the barons, by the good offices of Edmund, the
 1234.
 Apr. 28.
 new archbishop of Canterbury, Hubert was included in the pacification, readmitted into the council, and restored to his estates and honours.†

Henry's reign lasted more than half a century. Till the fall of Hubert, he was either a minor, or under the control of that minister: afterwards he was his own master; had the choice of his own ministers; and became responsible for the measures of government. But the transactions which fill the next forty years, are so numerous, and frequently so unconnected, that were they related in the order of time, the perplexed and broken narrative could only distract and fatigue the attention of the reader. It will therefore prove more convenient, and at the same time more interesting, to class the most important events under the three distinct heads, of

* Dunst. 208, 209. 221. Paris, 319—322. The mistakes of the last writer are to be corrected by the record, Pat. 17. Hen. III. m. 9. apud Brady, ii. App. No. 152.

† Paris, 327, 328. 340, 341. Dunstap. 221. Brady, ii. App. No. 154. Yet five years later a new attack was made upon Hubert, from which he extricated himself by making a present of four castles to Henry. Par. 463.

the king's wars with foreign powers, his transactions with the pope, and his disputes with his barons.

I. 1. During the whole of Henry's reign the harmony between England and Scotland was never interrupted by actual hostilities: yet several subjects of altercation arose, which are deserving of notice, because they prove that the pretensions of superiority, afterwards realized by Edward, were as fiercely maintained by his father. The reader has already seen, that Alexander, the second of that name, though he had done homage to king John, readily lent his aid to the discontented barons. When Louis returned to France, the Scottish king was compelled to submit. He did homage to Henry, and a few years later married Jane, the sister of the young king, a connexion which rendered both princes the more willing to adjust their mutual differences without the aid of the sword. When Henry became his own master, Alexander demanded the restoration of the three northern counties as his undoubted inheritance, and the repayment of the fifteen thousand marks, received from William by John, which, it was now contended, had not been imposed as a fine, but given as a dower to the two Scottish princesses, who were to have been married to Henry himself, and to his brother Richard.* The king of England not only resisted these claims, but maintained that the homage which Alexander had already done both to him and his father, had been liege homage for the crown of Scotland; and prevailed on the pope Gregory IX. to exhort the king of Scots by letter, to fulfil the solemn stipulations which he had made.† After a tedious negociation, a compromise was mutually accepted under the auspices of the cardinal Otto. The Scottish king renounced all his claims, and received in lieu of them grants of land in Tynedale and at Penrith, to the yearly value of two hundred pounds: and consented to perform a new homage for his new acquisition.‡ The question respecting the nature of his former homage remained undecided for the present, but was revived after the death of Jane. Alexander

* When this interpretation of the treaty was objected to Hubert, who had married the elder sister, he replied that he knew of no such conditions. The princesses had been delivered to John, to marry them to whom he pleased, with the advice of his barons. Paris, Addit. No. 1.

† Rym. i. 334. 335. The Scottish writers say the homage was for lands in England. Mail. 195. Ford. ix. 31. Yet there is reason to believe that Alexander did not at that time hold any lands in England. See Rym. ii. 266.

‡ Rym. i. 375.

contended that he did not, and would not, hold a particle of Scotland under the crown of England: and Henry, to enforce his pretensions, assembled a numerous army at Newcastle. The Scottish king thought it prudent to negotiate; and consented to an arrangement, by which, though he eluded the express recognition of feudal dependence, he seems to have conceded to Henry the whole substance of his demand. He promised and swore that he would always bear good faith and love to his dear and liege lord Henry, king of England, and would never enter into alliance with the enemies of Henry or of his heirs, unless they should first unjustly aggrieve him: and his bishops, earls, and barons swore, that they and their heirs would never aid Alexander or his successors to break, but would do all in their power to induce him and them to observe, this promise.*

1244.
Aug. 13.

Alexander was succeeded by his son of the same name, and in his ninth year. Henry, in virtue of his superiority, solicited a bull, prohibiting any bishop to crown the young prince without the previous permission of his liege lord; but Innocent IV. refused the application, on the ground that the apostolic see was not accustomed to grant such prohibitions.†

1249.
July 8.

Soon afterwards Alexander, in consequence of a treaty concluded by his father, came to York to marry Margaret the daughter of Henry:‡ and did homage to the king “for Lothian and the other lands which he held of the English crown.”—But when he was summoned to do homage for his kingdom also, a homage, says the historian, which had been done by many of his predecessors,§ he was advised to reply, that he came to York to marry the princess, not to treat on matters of state; and that the demand was of too great importance for him to return an answer before he had consulted his barons.|| But Scotland was at this period in a state of anarchy. An association was formed to dissolve the connexion with England: Robert de Ros and John Baliol were named regents: and by their orders the young queen was separated from the company of her husband, and confined to a remote part of the castle of Edinburgh. The king took the nobles of the opposite faction

1251.
Dec. 26.

1255.

* Paris, 568. Rym. i. 429.

† Rym. i. 463.

‡ On this occasion the English court displayed all its magnificence. One thousand knights in robes of silk attended the bride on the morning of her nuptials. Paris, 716.

§ Prout evidenter in chronicis multis locis scribitur. Paris, 718. Yet Paris died before the great dispute on this subject under Edward I.

|| Par. ibid.

under his protection; ordered his military tenants to join him at York; and sent before him the earl of Gloucester and Robert Mansel, who with the aid of their friends obtained admission into the castle, and set at liberty the king and queen. They visited their father, who appointed a new regency, punished the former members, and acted with all the authority of a feudal superior; though, to allay the jealousy of the Scots, he repeatedly declared that these measures should form no precedent injurious to the rights and liberties of the king or people of Scotland.*

2. Of Wales the native sovereign was Llewellyn, usually addressed by Henry with the title of prince of Aberthraw, and lord of Snowdun. He was the vassal of the English crown; but a vassal more inclined to dispute than obey the authority of his superior. He was also brother-in-law to Henry, having married Jane, a natural child of John, by Agatha, daughter to the earl Ferrers: but this union had not rendered him the less disposed to assert the rights, or revenge what he deemed the wrongs, of his country. The borderers of both nations were men of ferocious habits, inured to rapine and bloodshed, and always eager to invade their neighbours when it could be done with the hope of impunity. Their incursions were generally distinguished by deeds of barbarity, which proved that with them plunder was but a secondary object. They were accustomed to murder their captives in cold blood, and to mangle the carcasses of the slain: and instead of carrying off the cattle of the enemy, would drive them into the barns and houses, that they might consume them in the same flames with the buildings.† To complain was fruitless: the aggressor, to whatever party he belonged, could exhibit a long catalogue of trespasses committed by his opponents, and would contend that his own conduct had been regulated by a just regard to the principle of retaliation. Henry often led his army into Wales, and was as often compelled to return foiled and discontented. Llewellyn, with the aid of his hills and morasses, kept at bay his more powerful antagonist: and, if the king of England employed himself in raising a fortress to check the excursions of the natives, they were already in his rear, demolishing several castles for the one he had erected. But when Llewellyn died, David, his son and successor, imprisoned Griffith, an illegitimate brother. The wife of the captive appealed to Henry, who already had summoned David before him: but the Welsh prince

1241.
Aug. 15.

* Rym. i. 558, 559, 560. 562. 565. Duns. 307. Mail. 220.

† See several instances in the annals of Margan, 16, 17, 18. Paris, 310. 569, and the annals of Worcester, 488.

appeased his uncle, and delivered Griffith into his hands. Three years later the prisoner was slain in an attempt to make his escape from the tower of London.* By his death the prince of Aberthraw was freed from the dangerous projects of a rival: to free himself from the superiority of the king of England, he sought to interest the pope in his favour, by offering to hold his principality of the Roman church. Innocent refused the offer:† and Henry hastened to chastise the disloyalty of his nephew. The king fortified a castle on the banks of the Conway, ordered a fleet from Ireland to ravage the isle of Anglesey, and forbade under the severest penalty the introduction of provisions or merchandise from the marches into the territory of his enemies. The natives, confined among the mountains of Merioneth and Carnarvon, were exposed to the extremities of want from the absence of provisions, and the inclemency of the winter: but at the death of David, they elected for their chieftains Llewellyn and David, the two sons of Griffith, who solicited the clemency of the king of England, became his vassals, and bound themselves to serve in his wars with five hundred of their subjects.‡

1244.
March 1.

1245.

1246.

3. The reader will recollect that necessity had extorted from Louis of France a promise to restore Normandy, Maine, and Anjou, whenever he should succeed to the crown. Philip his father died in 1223. The English ministry summoned him to perform his engagement, and received what must have been anticipated, a peremptory refusal. He was no longer (was his answer) bound by the treaty, since it had already been broken in two instances by

With
France.

1223.
July 14.

* See the records in Brady, ii. App. No. 163—171.

† Wikes, 45. Walsing. Upod. Neust. 466. If we had no other authority than Paris, we should believe that the offer was accepted, and that Innocent IV., to obtain the yearly payment of 500 marks, accepted the acknowledged vassal of the English crown, as the vassal of the holy see. Par. 550. 552. The amount of the sum is sufficient to throw discredit on the story: and the truth is easily extracted from the original letters, which are still extant. David wrote to the pope, that in his infancy he had been placed by his parents under the particular guardianship of the church of Rome: but that his uncle by violence and threats had compelled him to swear fealty to the throne of England. Innocent replied by ordering two Cistercian abbots to inquire whether these allegations were true, and if they were, to declare that the oath was not binding. Soon afterwards he wrote to the bishop of Carlisle, that he had discovered them to be false, and commanded the prelate to annul any proceedings that might have taken place in consequence of his former letter. West. 319. Rym. i. 425.

‡ Paris, 470, 480. 506. 545. 551. 608.

the king of England, who had compelled the confederate barons to purchase his favour with large sums of money, and had to the present day withheld from them the liberties specified in the great charter. Nor was Louis con-

Loss of
Poitou.

1224.
July.

tent with a mere refusal. As soon as the truce between the two nations expired, he republished the original sentence of forfeiture against king John, entered Poitou with a numerous army, took possession of Rochelle and the other towns by force or bribery, and extended his conquest to the right bank of the Garonne. The English ministry had convened a parliament of the barons at Northampton: but their deliberations were interrupted by the violence of Fawkes; and the siege of the castle of Bedford employed the better part of the summer. At Christmas, after a quarrelsome debate, and the confirmation of the charters, an aid of a fifteenth was

1225.
Apr.

granted the king: and before Easter, Richard, his younger brother, was sent to Bourdeaux, under the guidance of the earl of Salisbury, with a force, too small indeed to attempt any conquest, but sufficiently numerous to defend from insult the province of Gascony. At the request of the papal legate both crowns agreed to an

1226.
Nov. 8.

armistice for twelve months, before the expiration of which the king of France died, and was succeeded by his son Louis IX., in the twelfth year of his age.* The troubles which followed his accession, and the hostility of the most powerful of the peers to Blanche the queen mother, and the council of regency, offered to Henry, who had now reached his twentieth year, a most favourable opportunity of regaining the patrimony of his ancestors. The king was eager to distinguish himself in so honourable an enterprise: but he also was entangled in quarrels with his barons; and his ministers conceived it dangerous to his own interests, either to quit England, or to be separated from his royal master. Year after year the armistice was renewed, till Hubert deemed it politic to yield, in appearance at least, to the clamour that was raised against him. Repeated solicitations had been received from the natives of Guienne: the Poitevin barons had offered to transfer their allegiance to Henry: and many of the Normans had assured him of their undiminished attachment to the representative of the house of Rollo. It was therefore determined that the king should sail to the assistance of Peter of Dreux, in right of his wife count

* The fables respecting his death in Paris, 282, may be compared with the accounts given by eye-witnesses in Spondanus, p. 93.

of Bretagne, who had openly rebelled against Louis. All the barons of England and Ireland, with the princes of Wales, assembled at Portsmouth: and Henry, in the confidence of youth, fancied himself already the conqueror of France, when he was informed that the shipping, which had been provided, was not sufficiently numerous to carry one half of the army. In an agony of rage he unsheathed his sword, called Hubert a traitor, and was in the act of striking him, when his arm was arrested by the interposition of the earl of Chester. As it was too late in the season to wait for the arrival of another fleet, the council deferred the expedition to the next year; and during the winter Hubert found means to justify himself in the opinion of his master. The next spring Henry sailed to St. Malo, and advanced as far as Nantes: while Louis took Angers, Ancenis, and Oudon. Of the succeeding operations, if any operations took place, we have no account. It is said that the king, instead of seeking the enemy, wasted his time in parties of pleasure, refused an invitation from the malcontents in Normandy, proceeded to Gascony to receive the homage of the natives, revisited Nantes, and returned to England. Our historians attribute this conduct to the pernicious influence of Hubert, who was accused, probably without foundation, of receiving a yearly pension from the French queen. A body of five hundred knights and one thousand mercenaries was left with the count of Bretagne, who retook Angers, and burnt a few towns in Normandy.*

Expedition
to Bretag-
ne.

1229.
Sep. 29.

1230.
May. 3.

Oct. 26.

In an age, unable to appreciate any but military merit, the issue of this inglorious expedition added little to the reputation of Henry. He was generally considered as a coward, afraid to fight for the inheritance of his fathers: and his name was made the constant subject of censure and ridicule in the effusions of the Provençal poets. It was not, however, that he wanted the inclination; but, with an exhausted treasury, and involved in repeated struggles with his barons, he had neither the means nor the leisure to engage in foreign expeditions. Ten years elapsed in truces, often broken, and often renewed, during which the king was careful to entertain a constant corre-

Expedition
to Guienne.

* Paris, 306. 310. Duns. 201. I have related the occurrence at Portsmouth on the faith of Paris, but am inclined to doubt the accuracy of the story.

spondence with several of the most powerful among the French nobles. The count de la Marche, his father-in-law, whose fealty had always changed with his interests, had done homage to Alphonse, the brother of Louis, lately created count of Poitou. At his return he was sharply reprimanded by Isabella his wife. Her pride, if we may believe report, would not consent that her husband should kneel to any but a crowned head: it is more probable that she wished to preserve the rights of her younger son Richard, to whom his brother Henry had some years before given the county of Poitou. La Marche at her instigation rode back to Poitiers, publicly insulted and defied Alphonse, and retired in the midst of his guard of archers, who marched with their bows bent, and ready to oppose force by force. A war was the natural consequence; and Isabella implored the aid of her son, the king of Eng-

1242.
Jan. 27.

land. In a great council held in London, a supply of men and money was demanded: but, though Henry urged the request with earnestness, though his brother Richard, who had just returned from the holy land, supported it with his eloquence and entreaties, the barons coldly and inexorably replied, that it was the king's duty to observe the truce, as long as it had not been violated by the French monarch. Still Isabella was importunate. His presence, she maintained, was only requisite. Let him but appear: he would be joined by all the friends of his family; and crowds of mercenaries would hasten to his standard. Deceived by these misrepresentations Henry sailed from Portsmouth with his queen and brother, three hundred

May 19.

knights, and thirty hogsheads of silver. He landed at Royan at the mouth of the Garonne: and despatched ambassadors to Louis. If we may believe Paris, the French king, troubled in conscience by the oath of his father, offered to surrender part of Poitou and Normandy on the condition that Henry should abandon the traitors to the punishment which they deserved: but from the king's own letters it appears that his envoys demanded satisfaction for certain alleged infractions of the armistice; that no answer was returned; and that after a certain number of days he declared the armistice to be at an end.* When he had collected his vassals and allies, he found himself at the head of twenty thousand men: Louis had marched from Paris with an equal number: but his army, to use the expression of the historian, was a torrent which, as it rolled on, was continually swelled

* Rym. i. 403, 404.

by the influx of tributary streams. The two kings, as if it had been by mutual consent, reached the small town of Taillebourg about the same time: and the hostile armies were separated by the narrow, but deep and rapid, stream of the Charente, the bridge over which was commanded by a fort in the hands of the English. When Henry saw the superior number of the enemy, he complained to the count of the deception which had been practised upon him: but, while he was speaking, the French, with their characteristic impetuosity, attacked the bridge. Louis fought at their head: the passage was forced: and the oriflamme, his standard, was unfurled on the left bank of the river. The English, however, made a gallant resistance, and kept the fortune of the day in suspense, till the intelligence arrived, that a large body of the enemy had crossed lower down in boats, and were marching to intercept their retreat. Immediately they broke, fled with precipitation to Saintes, and were followed with such eagerness, that some of the pursuers were enclosed and made prisoners in the city. Henry, for greater security, had withdrawn himself from the mass of the fugitives: but he must have fallen into the hands of the enemy, had he not been rescued by the address of his brother Richard. Unarmed, and with the staff of a pilgrim in his hand, the prince offered himself to the nearest corps of the French, and demanded to speak to the count of Artois. By that nobleman he was introduced to Louis, who took the opportunity to thank him for the friendly offices which he had rendered to the French knights in Palestine, and at his request assented to an armistice till the following morning. He little thought of the prize, which he suffered by this condescension to slip out of his hands. The two brothers immediately mounted their horses, and reached Saintes during the night.

Battle of
Taille-
bourg.

July 19.

With the dawn of the next morning the French were visible from the walls. The count de la Marche immediately sallied out, and by degrees the whole of both armies became engaged. It was not, however, one battle, but a series of separate actions: for the ground was so intersected with lanes and vineyards, that the combatants fought in small parties, and without communication or concert. Much blood was spilt: but, though both kings claimed the victory, Louis remained master of his position.

Battle of
Saintes.

July 20.

The result of these two actions had convinced the count of the danger of his situation. His son Hugh clandestinely left

Saintes, and threw himself at the feet of the French monarch, who readily pardoned his father on condition that he should withdraw his troops from the English army, should cede to Alphonse the castles which had already been taken, should allow three others to be garrisoned for a time by French troops as a security for his future fidelity, and for the rest of his possessions should trust to the pleasure and courtesy of Louis. Henry was sitting down to table when he first heard of this transaction: and the messenger was followed by another, informing him of a secret agreement between the men of Saintes and Lewis, to introduce the French army into the city during the night. After a short consultation it was determined to retire to Blaye: but the flight was so rapid, that the ornaments of the royal chapel and the military chest were abandoned to the enemy. Louis did not follow the king: a fatal dysentery began to prevail in his army: and the loss of eighty bannerets, and, if we may believe Paris, of twenty thousand men, admonished him to terminate the campaign. A truce for five years was concluded equally to the satisfaction of both monarchs.*

Conclusion of peace. It was the custom of the age, when opposite claims could not easily be reconciled, to prevent the resumption of hostilities by the repeated renewal of truces. Had Louis been left to his own judgment, peace with England would soon have been signed. He still doubted the justice of the title by which he held the provinces formerly belonging to the English princes in France; and to procure from Henry a renunciation of his rights, would cheerfully have consented to considerable sacrifices. But the French peers laughed at the scruples of their monarch, and contended that he had not the power to alienate the do-

* In this account I have compared the French historians Nangis and Gaguin with Paris, 514—526. But we possess another narrative of the campaign by Henry himself. According to this he might have occupied Taillebourg, or have destroyed the bridge over the Charente, had he not been perfidiously persuaded to grant a truce to the lord of the town, who offered to return to his allegiance. But when he saw the multitude of the enemy, he ordered, with the advice of his council, an immediate retreat to Saintes. The French endeavoured to surprise him there, but were repulsed with loss. Two days afterwards he retired to Pons: and the count de la Marche abandoned the castle and town of Saintes, which were taken by the French. The king continued his retreat: and the garrison of Pons deserted to the enemy. He fortified Blaye, and waited for the event on the opposite bank of the Garonne: but Louis, after he had remained a fortnight in the neighbourhood, returned into his own territories. This Henry declares to be the truth, and that the reports spread to his prejudice by his enemies are groundless and slanderous. Rym. i. 325—327. By mistake it is printed under the year 1232, the 16th instead of the 26th of Henry.

mains of the crown. Negotiations were commenced and interrupted, resumed and suspended: Louis insisted on the cession to him of all claim to Normandy, Maine, Anjou, and Poitou: Henry demanded in return an equivalent: and seventeen years elapsed before the terms could be finally adjusted. The renunciation was at last made; and Louis gave to the king of England the Limousin, Perigord, and Querci, and promised to pay the yearly value of the lands held by the count and countess of Poitou in Xaintogne and the Agenois, and at the death of those princes to transfer them to the English crown. Henry, as duke of Guienne, and peer of France, engaged to do homage to the French monarch.*

1259.
May 20.

II. The history of Henry's transactions with the court of Rome discloses to us a system of oppression, under which the English clergy, by the united influence of the crown and the tiara, were compelled to submit to the most grievous exactions. The christian hierarchy had from the earliest ages been distinguished by a regular gradation of office and authority from the lowest clerk to the bishop of Rome, who was considered as the chief of the episcopal body, and the vicegerent of Christ upon earth. As the northern nations extended their conquests, they diffused their peculiar notions of jurisprudence through the provinces of Europe: these were insensibly incorporated with the external economy of religion: and the constitution of the church became in a great measure assimilated in the ideas of the western christians to the institutions of a feudal kingdom. The pope held the place of the sovereign; the bishops were considered nearly in the light of his barons; and subordinate to the bishops stood the inferior clergy in the quality of sub-vassals. These feudal notions were followed by feudal ceremonies and claims. The bishop, before he entered on the administration of his diocese, swore fealty to the pope: and the priest at his ordination, besides the ancient promise of canonical obedience, did homage to his bishop. Then, as the civil sovereign in his necessities required aid from his barons, and through them from their vassals, so the popes in similar circumstances demanded pecuniary assistance from the bishops, and through them from the rest of the clergy. At first these claims were brought forward with modesty and reserve: nor did the ecclesiastics refuse to relieve the wants, or support the splendour, of him,

Transac-
tions with
the popes.

* Rym. i. 675. 689.

whom they revered as their spiritual father, and beneath whose protection they reposed in the peaceful possession of their property. But gradually the necessities, and with the necessities the demands, of the pontiffs were multiplied, till they at length excited the remonstrances and opposition both of the clergy and laity. By accepting the donation of Pepin, and by subsequent acquisitions, the bishops of Rome had joined the concerns of temporal princes to the duties of christian prelates: and the wars in which they were compelled to engage, sometimes with their own subjects, sometimes with foreign states, entailed on them expenses far beyond the annual amount of their income. This was generally the situation of the popes who governed the church during Henry's reign. Involved in a long and ruinous contest with the emperor Frederic and his partisans in Italy, overwhelmed with an immense load of debt, and forced occasionally to abandon their own dominions for an asylum on this side of the Alps, they looked to the aid of the clergy as the surest expedient for satisfying the claims of their creditors, recruiting their forces, and recovering their former ascendancy. Year after year the English, like every other national church, was called upon to contribute towards the support of the Roman see: and though the generosity or patience of the clergy was soon exhausted, their resistance was seldom successful against the authority of the pontiff, supported as it generally was by the authority of the monarch: for the fate of John had proved an awful warning to Henry, who, unwilling to provoke the enmity of the pope, concurred in every scheme of exaction, unless he were occasionally deterred by the united clamour of the barons and clergy.

Tallages. The principal grievances which sprung out of this system, may be reduced to two heads. 1. The popes, in imitation of the temporal princes, often required a tallage of the clergy, amounting generally to a twentieth, sometimes to a tenth, and on one or two occasions to a larger share of their annual income. These impositions had been originally introduced in the time of the crusades, and had been justified on the ground, that the recovery of Palestine was an object equally interesting to every christian: and that while the laity cheerfully shed their blood in the sacred cause, the clergy could not refuse to contribute a small portion of their revenues towards its success. But it was soon discovered that every war in which the pontiffs engaged, was somehow or other connected with the welfare of religion. When the contest commenced between Gregory IX. and the emperor Frederic, that pope demanded an aid of the clergy:

as his affairs grew desperate, his demands were repeated: and under his successor Innocent IV. the frequency and amount of these tallages became an intolerable burden. Innocent, indeed, alleged in justification of his conduct, that he was an exile from his dominions; that at Lyons, where he kept his court for ten years, he had no resource but in the contributions of the clergy; and that whatever they gave, was expended in supporting the cause of the church and religion. These reasons, however, did not always convince those who suffered from the annual diminution of their incomes.* In many nations they were answered with complaints; in England they experienced the most decided opposition. The clergy replied, that they deemed it unjust to furnish money, with the conviction that it would be employed against the emperor, who, though the pope had condemned him, was still to be considered as a catholic prince, since he had offered to submit his quarrel to the decision of a general council—that each church had its own patrimony: nor could the pope with any more justice claim a share in the revenue of *their* churches, than they could claim a share of the revenue of the church of Rome—that, as the law, when it described every thing as belonging to the prince, spoke of his right of superintendence, not of property; so the pre-eminence enjoyed by the pope, imposed on him the duty of watching over all, but gave him no right to dispose of all—and that, if the income of the clergy were more than sufficient for their support, they were obliged to employ the remainder in relieving the wants of the poor, not in furnishing the means of protracting a bloody and destructive war.†

1244.

For some time the king and the barons appeared indifferent spectators of this struggle. At length they were induced to interfere by the consideration, that in proportion as the clergy were impoverished, the national burdens would press with additional weight on the laity. Ambassadors were despatched to the general council at Lyons, who in firm but respectful language remonstrated against the frequency of the papal exactions. Perhaps the promises which Innocent gave in his reply, were meant only to allay discontent. But if he

* We must except Grosseteste, the celebrated bishop of Lincoln, who, in answer to the king's writ inquiring by what authority he raised a tallage for the use of the pope, replied: *Non est admiratione dignum, quod coepiscopi nostri et nos in hac parte facimus, sed admiratione multa et indignatione quamplurima esset dignissimum, si etiam non rogati vel jussi aliquid hujusmodi vel etiam majus non fecerimus. Videmus enim exilio relegatos, persecutionibus coangustatos, patrimonio suo spoliatos, et de proprio, unde ut decet sustineantur, non habentes.* Grosset. i. ep. 119.

† Annal. Burt. 297.

1246. was sincere, the necessities of his situation soon compelled him to break them: and a new demand of a twentieth from the poorer, and of a larger portion from the more opulent, benefices, awakened an unusual spirit of opposition. The clergy drew up a list of their grievances, sent it to the pontiff, and appealed from him to the next general council: the barons, in bolder terms, warned him of the evils which might probably ensue; and clearly insinuated their readiness to draw the sword, if it should be necessary, in support of the clergy. Even the king appeared to make common cause with his vassals, and forbade the tallage to be paid under the penalty of his high displeasure. Yet this strong opposition gradually melted away. Henry withdrew his prohibition: the barons relapsed into their former apathy: and the clergy were reduced to compound with the pontiff for eleven thousand marks.*

Provisions. The second grievance consisted in what were termed papal provisions, by which the pope, suspending for the time the right of the patron, nominated of his own authority to the vacant benefice. The consequence was that many Italians possessed livings which should have been conferred on English clergymen: and if some of these resided in the island, the others, after defraying the charge of a substitute to perform the duty, received and spent the remainder of the income in foreign countries. This abuse excited loud complaints on the part both of the patrons and the clergy: and the public discontent displayed itself in acts of illegal violence. An association was formed under the title of the commonalty of England; and was clandestinely encouraged by the principal of the barons and clergy. At its head was Sir Robert Thwinge, a knight of Yorkshire, who by a papal provision had been deprived of his nomination to a living in the gift of his family. His commands were implicitly obeyed by his associates, who, though they were never more than eighty individuals, contrived by the secrecy and celerity of their motions, to impress the public with an idea that they amounted to a much greater number. They murdered the pope's couriers: wrote menacing letters to the foreign ecclesiastics and their stewards: sometimes seized their persons, threw them privately into dungeons, and compelled them to pay considerable ransoms: and at others carried off the produce of their farms, sold it by public auction, or distributed it among the poor of the neighbourhood. For eight months these excesses continued without any interruption

* Annal. Burt. 305—310. Paris, 625. 636. Dunst. 272, 273.

from the legal authorities: the national discontent was gratified with the sufferings of the foreigners; and the members of the association, to satisfy the officers of justice, pretended that they acted in virtue of a royal commission. Henry at length interposed his authority; and Thwinge proceeded to Rome to plead his cause before the pontiff. He was successful, and returned with a bull, by which Gregory authorized him to nominate to the living which he claimed; declared that, if ever the rights of the lay patrons had been invaded, it was without his knowledge, and contrary to his intentions; and promised that all future provisions should be confined to those benefices, which were known to be in the gift of the prelates, abbots, and ecclesiastical bodies: a politic answer which, while it wore the semblance of truth, separated the interests of the laity from those of the clergy, and was calculated to render the former unconcerned spectators of the oppression of the latter.*

The clergy felt the probable consequences of this distinction, and loudly expressed their indignation. After many ineffectual attempts they obtained the co-operation of the king and barons: and in all their remonstrances the provisions were coupled with the tallages as an abuse, which could be no longer endured. To silence their complaints, Innocent reminded them of his wants, and declared that without provisions he could neither reward the services of his most faithful adherents, nor support the necessary officers of his court.† The controversy lasted during the whole of his residence at Lyons. By the death of the emperor, he was at last enabled to return to Rome; and was soon followed by the remonstrances of the English clergy, who stated that the incomes of the foreign ecclesiastics beneficed in England amounted to fifty thousand marks. The pontiff, without admitting the accuracy of the statement, acknowledged and lamented the existence of the grievance: assured them that, if he had ever granted a provision himself, it had been wrung from him by necessity: and proposed, as a temporary remedy, to set aside for certain non-residents eight thousand marks, a sum which might be annually reduced; to compel all other foreign clergymen to reside or resign; and to enable the patrons to present to all benefices,

Papal concessions.

1250.
Dec. 13.

1252.
May 22.

* Paris, 313. 316, 317. 460, 461. Dunst. 206, 207. Rymer, i. 322. It was pretended that Hubert was the secret instigator of these excesses: and his presumed guilt was said to have been the cause of his arrest. Pat. 17. Hen. III. apud. Brad. ii. App. No. 152.

† Rym. i. 426. 442.

as soon as they became vacant.* Whether the offer was accepted, we know not: but the next year, in consequence of a provision to a living in the diocese of Lincoln, Grosseteste, the celebrated bishop of that see, wrote a spirited letter to the pontiff, in which, after professing obedience to the lawful commands of the apostolic see, he refused to admit the provision, because it emanated from an authority, which had never been granted by Christ to St. Peter or his successors. This remonstrance appears to have made impression on the mind

of Innocent. He answered by a bull, in which
 1353.
 Nov. 3. he again professed his dislike of the practice, empowered all the patrons of benefices in the possession of foreigners, to present to them immediately: and declared that the individuals so presented should and might take possession immediately after the death or resignation of the present incumbents, and in despite of any provision that might hereafter be made by him or his successors.† In this state the controversy remained during the sequel of Henry's reign.

But in 1254 was opened a new source of extortion. When the Norman adventurers had formerly subdued Sicily and Apulia, they had made their conquests, by a voluntary donation, fiefs of the holy see. As such these two kingdoms had descended to the late emperor Frederic: but during the long war, which he waged against the popes Gregory and Innocent, he was adjudged to have forfeited all the lands which he held of the church of Rome: and a resolution, dictated by the experience of the past, was taken to prevent for the future the re-union on the same head of the Sicilian and imperial crowns. Frederic had left by his first wife a son named Conrad, king of Germany, by his second, the sister of our Henry, another called after the name of his uncle, and besides these an illegitimate son, Manfred prince Tarento, who was supposed to have been accessory to the death of his father. On none of the three would Innocent bestow the kingdom of Sicily. He offered it first to Charles of Anjou, brother to Louis of France, then to Richard, the brother of the king of England, and lastly to Henry himself for his second son Edmund. All these princes refused it: Charles on account of the absence of Louis in the crusade; Richard because he felt himself unequal to the task of subduing the sons of Frederic; and Henry, that he might not appear to oppose the interests of his young nephew, who

* Rym. i. 471. Paris with his usual exaggeration makes the sum amount to 70,000 marks. p. 740.

† Paris, 749. Annul. Burt. 326—330. Rym. i. 494.

was supported by a powerful party in Sicily. Conrad, at the head of a numerous army, marched from Germany; took, after an obstinate resistance, Capua, Naples, and the other cities of Apulia, which had declared for the pope; and was preparing to invade Sicily, when the young Henry suddenly died, poisoned, as the suspicions of the public believed, by the contrivance of his elder brother. Innocent immediately repeated his offer of the crown for Edmund: and the weak mind of the king, no longer checked by the opposite claim of his nephew, joyfully accepted the dazzling but precarious present. It was agreed with the papal envoy that the young prince should hold Sicily and Apulia as fiefs of the holy see; that Henry with a powerful army should immediately conduct his son to take possession of his dominions: that Innocent should advance to the king one hundred thousand pounds Tournois to enable him to commence the expedition, and should give security for any other sums, which it might be necessary to borrow. The pontiff, when he ratified the treaty, assured the king, who was in Gascony, that if he set out immediately, success was certain; and to stimulate his indolence, informed him that fifty thousand pounds had been deposited at Lyons to be delivered to him the moment he should appear at the head of his army.* In the mean time Conrad died: and a second letter was despatched to Henry with a request that he would hasten to take advantage of so fortunate an event. Fearful, however, that the opportunity might be lost by delay, Innocent himself proceeded from Rome into Apulia, took possession of the Terra di Lavoro, secured, as he thought, the fidelity of Manfred by confirming to him his principality of Tarento, and flattered himself that at the arrival of Henry, the two kingdoms would unanimously admit Edmund for their sovereign. But the perfidious Manfred aspired to the crown himself: and to mask his real views, set up, as the competitor of the English prince, Conradine, the infant son of his brother Conrad. Innocent again endeavoured to hasten the king by describing to him the danger of delay: but his natural indolence, or the difficulties of his situation, prevented his depar-

It is accepted.

1254.

Mar. 6.

May 14.

May 23.

May 22.

June 9.

Nov. 17.

* Rym. i. 477. 502. 511. 512. 514. 516. 893. It was afterwards disputed whether the 100,000 pounds were promised as a gift or a loan. Henry gave up his claim. Rym. i. 895. Four pounds Tournois made one pound sterling.

Dec. 2. ture, and the papal army was defeated by Manfred in the vicinity of Troia. Five days afterwards Innocent died.* His successor Alexander

Dec. 7. IV. pursued the same policy: the crown of the two Sicilies was confirmed to prince Edmund: and the bishop of Bologna was sent to England to give him investiture, and to make the necessary arrangements with his father. It was settled that Sicily and Apulia should form but one kingdom under Edmund, who should hold it of the apostolic see by the yearly payment of two thousand ounces of gold, and who should swear when he did homage, never to accept of the imperial dignity under the penalty of losing his crown, and of incurring excommunication: that Henry should acknowledge himself responsible for all the debts contracted in the prosecution of the business; and that he should, as early as possible, convey his son with an army into Apulia.† But in the mean while the prospect of success grew fainter every day. Manfred had

1255.
Apr. 9. But is won by Manfred. gained the last battle by the assistance of a body of Saracens, whom his father had settled in Lucera de' Pagani: and Alexander had sent the cardinal Octavian with the marquess of Hoemburgh at the head of a powerful force to attempt the task of subduing and extirpating the infidels. The two armies remained for several days in presence of each other: but Manfred was busily employed in corrupting the fidelity of the mercenary chieftains opposed to him; and with their connivance surprised and totally routed the papal forces. Alexander informed

Sep. 18. Henry of this untoward event: but sought to encourage him with the consideration that the whole of Sicily and the Terra di Lavoro were still true to the interests of Edmund, and conjured him to perform his engagements by sending immediately a powerful army.‡ The king wanted not the will but the means to comply: though his barons condemned the impotent attempt, he would not resign the hope of placing his younger son on a throne: and therefore bound himself to defray all the former expenses, and to land with an army in Apulia before the next feast of St. Michael. The debts amounted to ninety thousand pounds:§ and the pontiff complained loudly in his letters of the distress to which he was reduced by the negligence of Henry in sending him remittances. His

1256.
Feb. 5.

* Rym. i. 535. 538. 564.

† Rym. i. 894—900. 550. 553.

‡ Rym. i. 564.

§ In this sum is included a free gift of 20,000 marks promised by Henry to the pope. Rym. i. 897.

treasury, he said, was totally drained: his court was surrounded by creditors demanding their money, and threatening to seize the lands of the churches on which their debts had been secured: and the forces, which had defended the Terra di Lavoro, were disbanded from the impossibility of paying their services.* To raise money recourse was now had to every expedient which the regal or papal ministers could devise. It was in vain that Henry applied to the lay tenants of the crown: they obstinately refused to grant any aid towards the acquisition of Sicily; and advised him to lay aside the project, on account of the great power of Manfred, who had gradually united all Apulia under his standard; the immense expense which had already been incurred, and which by perseverance would be doubled; and the danger to which England would be exposed from the ambition of its neighbours, if a numerous army were to be sent into Italy.† The refusal of the laity threw the principal part of the burden on the clergy, who were urged to submission by the menace of excommunication on the one side, and of forfeiture on the other. The bishops and abbots saw themselves compelled to accept bills drawn in their name, but without their consent, for the sum of twenty thousand pounds in favour of certain bankers in Venice and Florence:‡ a tenth part of the annual rents of the clergy was ordered to be paid for five successive years into the exchequer: the goods of clergymen who died intestate, and one year's income of all vacant benefices, were reserved to the crown: and the monies collected in England, Ireland, Scotland, and Norway, for the crusade against the infidels were placed at Henry's disposal.§ The clergy exhausted themselves in complaints and remonstrances. They appealed to the protection of the pope: they offered the king a free gift of fifty-two thousand marks. But the only indulgence which they obtained, was the permission for the bishops and abbots to deduct from the payment of the tenths the amount of the bills drawn upon them from Italy.

Money
levied on
the clergy.

While Henry thus oppressed the clergy, the disputes between him and his barons began to assume an alarming appearance. Instead of winning a foreign crown for his son, he found it necessary to fight in defence of his own. Yet in proportion as the probability of success decreased, he seemed

Sicily is
conquered
by Charles
of Anjou.

* Rym. i. 564. 581. 593.

† Annal. Burt. 372. Dunst. 319, 320. ‡ Rym. i. 583.

§ Rym. i. 549, 550. 552. 595. 599. &c.

to cling to the Sicilian project with greater pertinacity: nor would he permit Edmund to resign his claim, or return the donation of Innocent.* In the mean while Man-

1263.
Aug. 28.

fred triumphed over all his enemies: to Sicily and Apulia he added the march of Ancona and a part of Tuscany: and Urban IV., the successor of Alexander, after requesting the consent of the English prince, offered the crown to Charles of Anjou.† It was accepted: and Charles

1265.

received the regal dignity at Rome from Clement IV.: but the pontiff, taught by the difficulties in which his predecessors had been involved, refused to bind himself for any debts which might be incurred. The new king, however, raised a powerful army, gained a splendid victory in the plains of Benevento, and by the death of Manfred, who fell in the battle, obtained peaceable possession of the whole kingdom.

1266.
Feb. 26.

Henry's disputes with his barons. III. It was Henry's misfortune to have inherited the antipathy of his father to the charter of Runnymede, and to consider his barons as enemies leagued in a conspiracy to deprive him of the legitimate prerogatives of the crown. He watched with jealousy all their proceedings, refused their advice, and confided in the fidelity of foreigners more than the affection of his own subjects. Such conduct naturally alienated the minds of the nobles, who boldly asserted that the great offices of state were their right, and entered into associations for the support of their pretensions. Had the king possessed the immense revenues of his predecessors, he might perhaps have set their enmity at defiance: but during the wars between Stephen and Maud, and afterwards between John and his barons, the royal demesnes had been considerably diminished:‡ and the occasional extravagance of Henry, joined to his impolitic generosity to his favourites, repeatedly compelled him to throw himself on the voluntary benevolence of the nation. Year after year the king petitioned for a subsidy: and each petition was met with a contemptuous refusal. If the barons at last relented, it was always on conditions most painful to his feelings. They obliged him to acknowledge his former misconduct, to confirm anew the two charters, and to promise the immediate dismissal of the foreigners.§ But Henry looked

* Rym. i. 631. 654. 666. 720.

† Rym. i. 769.

‡ The annual income of William the conqueror was 387,000*l.*, that of Henry did not amount to 40,000*l.* Paris, 579.

§ Thus was gradually introduced what has since been considered the constitutional method of opposing the measures of the crown, the refusal of the supplies for the current year. Henry's predecessors were too rich to de-

only to the present moment: no sooner were his coffers replenished than he forgot *his* promises, and laughed at *their* credulity. Distress again forced him to solicit relief, and to offer the same conditions. Unwilling to be duped any oftener, the barons required his oath. He swore: and then violated his oath with as much indifference as he had violated his promise. His next applications were treated with scorn: but he softened their opposition by offering to submit to excommunication, if he should fail to observe his engagements. In the great hall of Westminster the king, barons, and prelates assembled: the sentence was pronounced by the bishops with the usual solemnity: and Henry placing his hand on his breast, added, "So help me God, I will observe these charters, as I am a christian, a knight, and a king crowned and anointed." The aid was granted, and the king reverted to his former habits. It was not, however, that he was by inclination a vicious man. He had received strong religious impressions: though fond of parade he cautiously avoided every scandalous excess: and his charity to the poor, and attention to the public worship, were deservedly admired. But his judgment was weak. He had never emancipated his mind from the tutelage in which it had been held in his youth; and easily suffered himself to be persuaded by his favourites that his promises were not to be kept, because they had been compulsory; being extorted from him in opposition to the just claims of his crown.

On the fall of Hubert de Burgh the king had given his confidence to his former tutor, Peter the Poitevin, bishop of Winchester. That the removal of the minister would be followed by the dismissal of the other officers of government, and that the favourite would employ the opportunity to raise and enrich his relatives and friends, is not improbable: but it is difficult to believe, on the unsupported assertion of a censorious chronicler, that Peter could be such an enemy to his own interests as to prevail on the king to expel all Englishmen from his court, and confide to Poitevins and Bretons the guard of his person, the receipt of his revenue, the administration of justice, the custody of all the royal castles, the wardships of all the young nobility, and

Ministry
and removal
of Peter des
Roches.
1232.
Dec. 25.

pend on the aid of their vassals: to resist their will with any hope of success it was necessary to have recourse to the sword. But *his* poverty compelled him annually to solicit relief, and to purchase it by concessions to his parliament.

the marriages of the principal heiresses. But the
 1233. ascendancy of the foreigners, however great it
 July 11. might be, was not of very long duration. The
 barons refused to obey the royal summons to come to the
 council: the earl marshal unfurled the standard of rebellion in
 Wales; and the clergy joined with the laity in censuring the
 measures of government. Edmund, the new
 1234. archbishop of Canterbury, attended by several
 Feb. 2. other prelates, waited on Henry. He reminded
 the king that his father, by pursuing similar counsels, had
 nearly forfeited the crown; assured him that the English
 would never submit to be trampled upon by strangers in their
 own country; and declared that he should conceive it his duty
 to excommunicate every individual, whoever he might be,
 that should oppose the reform of the government, and the
 welfare of the nation. Henry was alarmed, and promised to
 give him an answer in a few weeks. A parliament
 April 9. of the barons was called, and Edmund renewed
 his remonstrance. The Poitevins were instantly dismissed,
 the insurgents restored to favour, and ministers appointed,
 who possessed the confidence of the nation.*

At the age of twenty-nine the king married
 King's mar- Eleanor, the daughter of Raymond, count of
 riage. Provence. The ceremony of her coronation, the
 1236. offices of the barons, the order of the banquet, and
 Jan. 14. the rejoicings of the people, are minutely describ-
 ed by the historian, who, in the warmth of his admiration,
 declares that the whole world could not produce
 Jan. 20. a more glorious and ravishing spectacle.† Elea-
 nor had been accompanied to England by her uncle William,
 bishop elect of Valence, who soon became the king's favour-
 ite, was admitted into the council, and assumed the ascend-
 ancy in the administration. The barons took the first op-
 portunity to remonstrate: but Henry mollified their anger by
 adding three of their number to the council, and, that he
 might be the more secure from their machinations, obtained
 from the pope a legate to reside near his person. This was
 the cardinal Otho, who employed his influence to reconcile
 Henry with the most discontented of the barons. By his
 advice William returned to the continent. He
 1238. died in Italy: but the king, mindful of his in-
 Nov. 1. terests, had previously procured his election to
 the see of Winchester, vacant by the death of Peter des
 Roches.

* Paris, 324—335.

† Paris, 355. Dunst. 231.

The next favourites were two other uncles of the queen, Peter de Savoy, to whom Henry gave the honour of Richmond, and Boniface de Savoy, who, at the death of Edmund, was chosen archbishop of Canterbury. The natives renewed their complaints, and waited with impatience for the return of Richard, the king's brother, from Palestine: but that prince was induced to espouse the cause of the foreigners, and to marry Sanchia, another of the daughters of Raymond. Even Isabella, the queen mother, dissatisfied that the family of Provence should monopolize the royal favour, sent over her children by her second husband, the count de la Marche, to make their fortunes in England. Alice, her daughter, was married to the young earl of Warenne; Guy, the eldest son, received some valuable presents, and returned to France; William de Valence, with the order of knighthood, obtained an annuity, and the honour of Hertford; and Aymer was sent to Oxford, preferred to several benefices, and at last made bishop of Winchester.*

New fa-
vourites.

While Henry was thus careful to provide for his foreign relatives, he frequently found himself reduced to want, and without credit or resources. His more despotic predecessors had expended infinitely larger sums in their foreign expeditions, and the support of their mercenary forces; and had never hesitated to extort by violence from their subjects whatever monies were deemed necessary by their ambition or rapacity. But the imprudence of John had generated, and the minority of Henry had nourished, a spirit of resistance to the undue exercise of authority: and the relief of the sovereign's wants was assigned by the great charter, not to his own caprice, but to the wisdom or generosity of the prelates and barons. If in their assemblies they consented to grant him an aid, they yet granted it in ill humour: and his acquiescence in the papal exactions from the clergy, with the debts he incurred by accepting the crown of Sicily for Edmund, continued to inflame the public discontent. Associations were formed to redress the grievances of the nation: under the decent pretext of preventing the misapplication of the revenue, a demand was repeatedly made, that the appointment of the officers of state should be vested in the great council; and at length the constitution was entirely overturned by the bold ambition of Simon de Montfort earl of Leicester.†

Opposition
of the
barons.

* Paris, 489. 494. 637. Dunst. 275.

† Paris, 564. 646.

Simon earl
of Leices-
ter.

Simon was the younger of the two sons of the count de Montfort, a name celebrated in the annals of religious warfare. By the resignation of Amauri, his brother, the constable of France, he had succeeded to the estates of his mother Amicia, the elder of the two sisters and co-heiresses of the late earl of Leicester: his subsequent marriage with Eleanor, the king's sister, had brought within his view the prospect of a crown: and his marked opposition to the extortions of the king and the pontiffs, had secured to him, though a foreigner, the affection of the nobility, the clergy, and the people. Policy required that the king should either not provoke, or should oppress so formidable a subject. But Henry did neither: he on some occasions employed the earl in offices of trust and importance: on others, by a succession of petty affronts, irritated instead of subduing his spirit. Among the inhabitants of Guienne there were many, whose wavering fidelity proved a subject of constant solicitude: and Simon had been appointed, by patent, governor of the province for five years, with the hope that his activity and resolution would crush the disaffected, and secure the allegiance of the natives. They were to the earl years of continual exertion: his conduct necessarily begot enemies: and he was repeatedly accused to the king of peculation, tyranny, and cruelty. How far the charges were true, it is impossible to determine: but his accusers were the archbishop of Bourdeaux, and the chief of the Gascon nobility, who declared that unless justice were done to their complaints, their countrymen would seek the protection of a different sovereign. When Simon appeared before his peers, he was accompanied by Richard, the king's brother, and the earls of Gloucester and Hereford, who had engaged to screen him from the royal resentment: and the king, perceiving that he could not procure the condemnation of the accused, vented his passion in intemperate language. In the course of the altercation, the word "traitor," inadvertently fell from his lips. "Traitor," exclaimed the earl, "if you were not a king, you should repent of that insult." "I shall never repent of any thing so much," replied Henry, "as that I allowed you to grow and fatten within my dominions." By the interposition of their common friends they were parted. Henry conferred the duchy and government of Guienne on his son Edward: but the earl returned to the province, nor would he yield up his patent without a considerable sum as a compensation for the remaining years of the grant. Fearing the king's enmity, he retired into France; and was afterwards

reconciled to him through the mediation of the bishop of Lincoln.*

Though Richard had frequently joined the barons in opposing his brother, he could never be induced to invade the just rights of the crown. He was as much distinguished by his economy as Henry was by his profusion: and the care with which he husbanded his income, gave him the reputation of being the most opulent prince in Europe. Yet he allowed himself to be dazzled with the splendour of royalty, and incautiously sacrificed his fortune to his ambition. In the beginning of the year 1256, the archbishops of Cologne and Mentz, with the elector palatine, chose him at Frankfort king of the Romans: a few weeks later the archbishop of Triers, the king of Bohemia, the duke of Saxony, and the marquess of Brandenburg, the other four electors, gave their suffrages in favour of Alphonso, king of Castile.† It is strange that Richard, with the example of Sicily before his eyes, and the certainty of meeting with a powerful rival, should have accepted the offer: but he was told that his riches would ensure his success; a deputation of prelates and nobles arrived to conduct him to his imaginary dominions; and the new king of the Romans was crowned at Aix-la-Chapelle in the presence of most of the princes of the empire.‡ It was, however, in an evil hour for England, that he departed for Germany. The discontented barons, no longer awed by his presence, associated to overturn the throne, under the guidance of the earl of Leicester high steward, the earl of Hereford high constable, the earl marshal, and the earl of Gloucester. The circumstances of the times were favourable to their views. An unproductive harvest had been followed by a general scarcity: and the people were willing to attribute their misery not to the inclemency of the seasons, but to the incapacity of their governors.§ Henry called a great council at Westminster: and on the third day the

Richard
chosen king
of the Ro-
mans.

Dec. 28.
1257.

May 17.

Commission
to reform
the state.

1258.
May 2.

* Paris, 400. 700. 713. 721, 722. 743. The king had originally conferred the dutchy of Guienne on his brother Richard: but took it from him on the birth of prince Edward. Richard ever afterwards opposed the king in all matters relative to that country. Paris, 722.

† Wikes, 51, gives us the different sums promised to the seven electors on this occasion: but he is certainly mistaken in several of the princes whom he calls electors, as is evident from the letter of the pope, quoted by Spondanus, p. 198. ‡ Rymer, i. 621, 622. Annal. Burt. 376.

§ Wikes, 52. Wheat was sold at the almost unprecedented price of 9s. the quarter. Richard sent from Germany forty vessels laden with corn. Par. 826.

barons assembled in the hall in complete armour. When the king entered, they put aside their swords: but Henry, alarmed at the unusual appearance, exclaimed, "Am I then your prisoner?" "No, sir," replied Roger Bigod, "but by your partiality to foreigners, and your own prodigality, the realm is involved in misery. Wherefore we demand that the powers of government be delegated to a committee of barons and prelates, who may correct abuses, and enact salutary laws." Some altercation ensued, and high words passed between the earl of Leicester, and William de Valence, one of the king's brothers. Henry, however, found it necessary to submit: and it was finally agreed, that he should solicit the pope to send a legate to England, and modify the terms on which he had accepted the kingdom of Sicily: that he should give a commission to reform the state to twenty-four prelates and barons, of whom one half had been already selected from his council, the other half should be named by the barons themselves in a parliament to be holden at Oxford; and that, if he faithfully observed these conditions, measures should be taken to pay his debts, and to prosecute the claim of Edmund to the crown of the two Sicilies.*

The mad
parliament. At the appointed day the great council, distinguished in our annals by the appellation of "the mad parliament," assembled at Oxford.

June 11. The barons, to intimidate their opponents, were attended by their military tenants, and took an oath to stand faithfully by each other, and to treat as "a mortal enemy," every man who should abandon their cause. The committee of reform was appointed. Among the twelve selected by Henry were his nephew the son of Richard, two of his uterine brothers, and the great officers of state: the leaders of the faction were included in the twelve named by the barons. Every member was sworn to reform the state of the realm to the honour of God, the service of the king, and the benefit of the people; and to allow no consideration, "neither of gift nor promise, profit nor loss, love nor hatred, nor fear," to influence him in the discharge of his duty. * Each twelve then selected two of their opponents: and to the four thus selected was intrusted the charge of appointing fifteen persons to form the council of state. Having obtained the royal permission they proceeded to make the choice with apparent impartiality: both parties furnished an equal number; and at their head was placed Boniface the archbishop of Canterbury, who, if he were connected with the court from his

* Rym. i. 654, 655.

relationship to the queen, was also known to lean to the popular faction, through his jealousy of the superior influence of the king's brothers. In reality, however, these elections proved the declining influence of the crown: as, while the chiefs of the reformers were named, Henry's principal friends, his nephew and his brothers, had been carefully excluded. In a short time the triumph of Leicester was complete. The justiciary, the chancellor, the treasurer, all the sheriffs, and the governors of the principal castles belonging to the king, twenty in number, were removed; and their places were supplied by the chiefs of the reformers, or the most devoted of their adherents. The new justiciary took an oath to administer justice to all persons, according to the ordinances of the committee: the chancellor not to put the great seal to any writ which had not the approbation of the king and privy council, nor to any grant without the consent of the great council, nor to any instrument whatever, which was not in conformity with the regulations of the committee: the governors of the castles, to keep them faithfully for the use of the king, and to restore them to him or his heirs and no others, on the receipt of an order from the council: and at the expiration of twelve years to surrender them loyally on the demand of the king.* Having thus secured to themselves the sovereign authority, and divested Henry of the power of resistance, the committee began the

June 22.

work of reform by ordaining: 1. that four knights should be chosen by the freeholders of each county to ascertain and lay before the parliament the trespasses, excesses, and injuries committed within the county under the royal administration: 2. that a new high sheriff should be annually appointed for each county by the votes of the freeholders: 3. that all sheriffs, and the treasurer, chancellor, and justiciary, should annually give in their accounts: 4. and that parliaments should meet thrice in the year, in the beginning of the months of February, June, and October. They were, however, careful that these assemblies should consist entirely of their own partisans. Under the pretext of exonerating the other members from the trouble and expense of such frequent journeys,

* *Annal. Burt.* 407. 411. 413, 414, 415. *Brady*, ii. App. No. 190, 191, 192, 193, 194. The royal castles were those of Dover and the other cinque ports, Northampton, Corf, Scarborough, Nottingham, Hereford, Exeter, Sarum, Hadleigh, Winchester, Porchester, Bridgenorth, Oxford, Sherburn, the tower of London, Bamborough, Newcastle on Tyne, Rochester, Gloucester, Horestan, and Devises. *Ibid.* et *Ann. Burt.* 416. The reader will observe that Windsor, Wallingford, and a few others still remained in the king's possession.

twelve persons were appointed as representatives of the commonalty, that is, the whole body of earls, barons, and tenants of the crown: and it was enacted that whatever these twelve should determine, in conjunction with the council of state, should be considered as the act of the whole body.*

Banishment of the king's brothers. These innovations did not, however, pass without opposition. Henry, the son of the king of the Romans, Aymar, Guy, and William, half brothers to the king, and the earl of Warenne, members of the committee, though they were unable to prevent, considerably retarded the measures of the reformers: and nourished in the friends of the monarch a spirit of resistance which might ultimately prove fatal to the projects of Leicester and his associates. It was resolved to silence them by intimidation. They were required to swear obedience to the ordinances of the majority of the members: proposals were made to resume all grants of the crown, from which the three brothers derived their support: and several charges of extortion and trespass were made in the king's courts not only against them, but also against the fourth brother Geoffry de Valence. Fearing for their liberty or lives they all retired secretly from Oxford, and fled to Wolvesham, a castle belonging to Aymar, as bishop elect of Winchester. They were pursued and surrounded by the barons: their offer to take the oath of submission was now refused: and of the conditions proposed to them the four brothers accepted as the most eligible, to leave the kingdom, taking with them six thousand marks, and trusting the remainder of their treasures, and the rents of their lands, to the honour of their antagonists.

July 8. Their departure broke the spirit of the dissidents. John de Warenne, and prince Henry successively took the oath: even Edward, the king's eldest son, reluctantly followed their example, and was compelled

July 12. to recal the grants which he had made to his uncles of revenues in Guienne, and to admit of four reformers as his council, for the administration of that dutchy.† To secure their triumph a letter was written to

* Ann. Burt. 416. *Le commun elise xii. prodes homes ces sont les duze ke sont eslu par les Baruns a treter a treis parlemens per an. p. 414.* They add that it was pur esparmier le cust del commun. 416. The word parliament had now grown into common use. In a writ of the 28th of this king the conference between John and his barons at Runnymede is called a parliament. Cl. 28. Hen. III. m. 12. and in his 32nd year occurs a writ with the expression *coram rege et toto parlamento*. Cl. 32. Hen. III. m. 13. Dors.

† Annal. Burt. 410, 411. 419. Rymer, i. 660, 661, 662, 663. Annal. Winc. 310.

the pope in the name of the parliament, complaining of the king's brothers, soliciting the deposition of the bishop of Winchester, and requesting the aid of a legate to co-operate with them in the important task of reforming the state of the kingdom.*

In a short time Leicester was alarmed by the approach of a dangerous visiter, Richard king of the Romans. That prince had squandered away an immense mass of treasure in Germany, and was returning to replenish his coffers by raising money on his English estates. At St. Omer, to his surprise, he received a prohibition to land before he had taken an oath to observe the provisions of reform, and not to bring the king's brothers in his suite. His pride deemed the message an insult: but his necessities required the prosecution of his journey: and he gave a reluctant promise to comply, as soon as he should receive the king's permission. At Canterbury Henry signified his commands, and Richard took the oath.†

1259.
Jan. 23.

By the original agreement at Westminster the reformation of the state was to be settled before Christmas. But the faction was as slow to conclude, as it had been eager to commence its labours. To satisfy the people, a proclamation was issued in the king's name, stating the importance of the undertaking, the time necessary to obtain an exact knowledge of the national grievances, and the folly of risking the acquisition of their object by the adoption of hasty and inconsiderate measures. The truth was, that the chiefs of the party were unwilling to divest themselves of the authority, which they had usurped. They distributed among their partisans all the lay offices and ecclesiastical benefices in the gift of the crown; received the principal part of the royal revenue; and shared among themselves the produce of the escheats, wardships, and marriages of the king's tenants.‡ But the ambitious views of Leicester soon began to alarm his associates: and a violent quarrel between him and the earl of Gloucester threatened to dissolve the confederacy. A false but apparent reconciliation was effected; when a petition from the knights bachelors of Eng-

Articles of
reform.

* Annal. Burt. 418. 422. Rymer, i. 667. It appears to me that the commission of the twenty-four ended with the parliament of Oxford: but the chiefs had all been appointed to the privy council, to which the exercise of the sovereign authority had been reserved, except during the sessions of parliament: and even then they retained it, as the parliament was represented by twelve members, all their partisans. See Annal. Burt. p. 423. 431. 435.

† Rym. i. 672. Annal. Burt. 421.

‡ West. 391.

land created a new alarm. They requested the council to hasten the reform, observing that it had been eighteen months in possession of the sovereign authority, and the nation had yet to learn what was the fruit of its labours. This was a remonstrance which it would have been dangerous to over-

Oct. 13. look; and in the next parliament a project of reform was proposed, approved and ordered to be enforced by the judges in their circuits. Its principal objects were to secure the inferior tenants from the oppression of their lords, and to purify the administration of justice. The provisions under the first head refer to customs that are now obsolete, and would therefore prove uninteresting to the reader: the great remedy for all abuses under the second, was the appointment of commissioners to inspect the conduct of the judges. Two were ordered to watch all the proceedings in the king's bench; two others those in the exchequer; and one to attend the itinerant justices in their respective circuits. With the same view four knights were chosen in every county, with the power of admonishing, as they saw occasion, the sheriff of his duty, and of informing the justiciary, when the admonition was neglected. Contrary to the enactment of the last year the new sheriffs were appointed by the great officers of state: but the freeholders in each county were ordered to choose four persons against the following Michaelmas, and to present them to the barons of the exchequer, who would select one of the number for the next sheriff. Such were the principal articles of the reform so long and so anxiously desired: articles which disappointed the expectations of the nation, and created a general wish that the sovereign authority might be removed from the hands of a few factious noblemen, and restored to him, to whom it constitutionally belonged.*

Henry had now been for two years the mere shadow of a king. The acts of government, indeed, ran in his name: but the sovereign authority was exercised without control by the lords of the council: and obedience to the royal orders, when the king ventured to issue any orders, was severely punished as a crime against the safety of the state. But if he were a silent, he was not an inattentive, observer of the passing events. The discontent of the people did not escape his notice: and he saw with pleasure the intestine dissensions which daily undermined the power of the faction. The earls of Leicester and Gloucester pursued opposite interests, and formed two op-

Quarrels
among the
barons.

* Annal. Burt. 428—433.

posite parties. Leicester, unwilling to behold the ascendancy of his rival, retired into France; and Gloucester discovered an inclination to be reconciled to his sovereign. But to balance this advantage, prince Edward, who had formerly displayed so much spirit in vindicating the rights of the crown, joined the earl of Leicester, their most dangerous enemy: and this unexpected connexion awakened in the king's mind the suspicion of a design to depose him, and place his son on the throne. In these dispositions of enmity, jealousy, and distrust, the barons assembled in London to meet Henry in parliament. But each member was attended by a military guard: his lodgings were fortified to prevent a surprise: the apprehension of hostilities confined the citizens within their houses: and the concerns of trade with the usual intercourse of society were totally suspended. After many attempts, the good offices of the king of the Romans effected a specious but treacherous pacification: and the different leaders left the parliament friends in open show, but with the same sentiments of animosity rankling in their breasts, and the same projects for their own aggrandizement, and the depression of their opponents.*

1260.
May 1.

At length Henry persuaded himself, that the time was arrived, when he might resume his authority. He unexpectedly entered the council, and in a tone of dignity reproached the members with their affected delays, and their breach of trust. They had been established to reform the state, improve the revenue, and discharge his debts: but they had neglected these objects, and had laboured only to enrich themselves, and perpetuate their own power. He should, therefore, no longer consider them as his council, but employ such other remedies as he thought proper.† He immediately repaired to the Tower, which had lately been fortified; seized on the treasure in the mint; ordered the gates of London to be closed; compelled all the citizens above twelve years of age to swear fealty in their respective ward-motes; and by proclamation commanded the knights of the several counties to attend the next parliament in arms. The barons immediately assembled their retainers, and marched to the neighbourhood of the capital: but each party, diffident of its strength, betrayed an unwillingness to begin hostilities; and it was unanimously agreed to postpone the discussion of their differences till the return of prince Edward, who was in France displaying his prowess at a tournament. He re-

Henry resumes the government.

1261.
Feb. 2.

* West. 373.

† West. 377.

turned in haste, and to the astonishment of all who were not in the secret, embraced the interests of the barons.*

Henry, however, persevered in his resolution. By repeated desertions the party of his enemies had been reduced to the two earls of Leicester and Gloucester, the grand justiciary, the bishop of Worcester, and Hugh de Montfort, whose principal dependence was on the oath which the king and the nation had taken to observe the provisions of Oxford. To this argument it was replied that the same authority which enacted the law, was competent to repeal it: and that an oath which should deprive the parliament of such right, was in its own nature unjust, and consequently invalid.† For greater secu-

June. rity, however, the king applied to pope Alexander,

who, by a bull, released him from his oath, on the principle that the provisions of Oxford were injurious to the state, and therefore incompatible with the obligations of the coronation oath, which he had previously taken.‡ This bull he published, appointed a new justiciary and chancellor, removed the officers of his household, revoked to himself the

July 8. custody of the royal castles, named new sheriffs in the counties, and by proclamation announced that he had resumed the exercise of the royal authority. This was followed by another proclamation to refute the false re-

Aug. 5. ports circulated by the barons. The king requested the people to judge of him by his actions, not by the accusations of his enemies. He had now reigned five-and-forty years, and during that long period had secured to them the blessings of peace. They might contrast his administration with that of the barons. Was there one among them that could say he had ever received an injury from his sovereign? They knew that under him they had enjoyed their rights and possessions in peace. His conduct had proved that as he never intended, so he had never countenanced, injustice. If he had appointed new sheriffs, and new governors of his castles, they were men whose loyalty he could trust, and on whose equity his subjects might rely. Should they, however, repeat the exactions of their predecessors, let the injured party appeal to him, and he should always be ready to do justice to the meanest of his subjects against the most powerful of their oppressors. The earls of Leicester and Gloucester, with the bishop of Worcester, had summoned three knights from every county south of the Trent, to meet them at St. Albans: the king by his writs annulled the pre-

* Wikes, 54. West. 378. Claus. 45 Hen. III. 19. Cit. Carte, 127.

† West. 391. ‡ Rymer, 722, 723. 742. 746. Wikes, 55.

vious summons, and ordered the same knights to repair to him at Windsor, that they might be present at his intended conference with the barons, and convince themselves of the justice and utility of his demands.* Several interviews between the parties took place at London. In the first the greater part of the barons appeared to consent to a plan of pacification offered by the king: in the second it was resolved to refer their differences to the decision of the king of France and the king of the Romans. The earl of Leicester, however, found means to prevent the execution of the agreement: and a third meeting was held, in which the barons abandoned the greater part of the provisions, and the king confirmed such as were evidently conducive to the welfare of the realm.

Dec. 6.

1262.
Feb. 2.

April.

May 2.

Leicester was still dissatisfied, and returned to France, observing that he should never trust the faith of a perjured king;† Henry by proclamation acquainted the nation that pope Urban had confirmed the absolution obtained from his predecessor; that he had resumed the exercise of the royal authority; and that he was determined to observe and enforce every article of the two charters, and to punish severely all persons, who should adhere to the confederacy of the barons.‡

The king, finding himself at liberty, was induced to visit Louis of France; and Leicester embraced the opportunity to return to England, and re-organize the association which had so late-

Loses it
again.

Oct. 3.

ly been dissolved. His hopes of success were founded on the pride and inexperience of prince Edward, who, untaught by experience, had called around him a guard of foreigners, and intrusted to their leaders the custody of his castles. Such conduct not only awakened the jealousy of the barons, but alienated the affections of the royalists. Several of these, deprived of the honours to which they conceived themselves entitled, secretly applied to the earl, and brought with them a valuable auxiliary, Gilbert de Clare, the son and successor of the late earl of Gloucester.§ The father by his moderation had frequently paralyzed the ambition of Montfort: but the son, a youth of twenty years of age, resigned himself entirely to the guidance of that nobleman, and placed at his disposal the powerful influence of the family of Clare. Henry, at

* See the two writs in Brady, ii. App. No. 202, 203.

† Wikes, 55. West, 380, 381.

‡ Apud Brady, ii. App. No. 205.

§ West, 392.

his return, aware of the designs of his enemies, ordered the citizens of London, the inhabitants of the cinque ports, and the principal barons, to swear fealty not only to himself, but in the event of his death, to his eldest son the prince Edward. To the second oath the earl of Gloucester objected: he was immediately joined at Oxford by his associates; and in a few days the earl of Leicester appeared at their head. With the royal banner displayed before them, they took Gloucester, Worcester, and Bridgenorth: ravaged without mercy the lands of the royalists, the foreigners, and the natives who refused to join their ranks; and augmenting their numbers as they advanced, directed their march towards London. In London the aldermen and principal citizens were devoted to the king: the mayor, and the populace, openly declared for the barons. Henry was in possession of the Tower: and Edward, after taking by force one thousand marks out of the Temple, hastened to throw himself into the castle of Windsor, the most magnificent palace, if we may believe a contemporary, then existing in Europe. The queen attempted to follow her son by water; but the populace insulted her with the most opprobrious epithets, discharged volleys of filth into the royal barge, and prepared to sink it with large stones, as it should pass beneath the bridge. The mayor at length took her under his protection, and placed her in safety in the episcopal palace near St. Paul's.*

The king of the Romans now appeared again on the scene in quality of mediator. The negociation lasted three weeks: but Henry was compelled to yield to the increasing power of his adversaries; and it was agreed that the royal castles should once more be intrusted to the custody of the barons, the foreigners be again banished, and the provisions of Oxford be confirmed, subject to such alterations as should be deemed proper by a committee appointed for that purpose. Henry returned to his palace at Westminster; new officers of state were selected; and the king's concessions were notified to the conservators of the peace in the several counties.

There was one article in the treaty, which proved favourable to the interests of Henry: that the assent of the parliament should be obtained. So many objections were raised, so many claims of indemnification were brought against the

* Chron. Dunst. 356, 357. Rym. i. 768. 772. Wikes, 56, 57. Trivet, 212. Windesores, quo non erat ad id tempus splendidius infra fines Europæ. West. 383.

barons for the ravages committed by them in the late expedition, that two successive parliaments assembled, and yet no final arrangement could be made. But the time thus obtained was usefully employed to attach several of the associates to the royal cause.

Sep. 9.

Oct. 14.

Some were dissatisfied with the arrogance and ambition of Leicester, who proposed that the powers of the new commissioners should last during the lives of both Henry and Edward; and others were brought over by grants of lands, and by promises of rewards. The king found himself sufficiently strong to take the field. He was disappointed in an attempt to obtain possession of Dover: but nearly succeeded in surprising the earl of Leicester, who with a small body of forces had marched from Kenilworth to Southwark. Henry appeared on one side of the town, the prince on the other: and the royalists had previously closed the gates of the city. So imminent was the danger, that the earl, who had determined not to yield, advised his companions to assume the cross, and to prepare themselves for death by the offices of religion. But the opportunity was lost by a strict adherence to the custom of the times. A herald was sent to require him to surrender: and in the mean while the populace, acquainted with the danger of their favourite, burst open the gates, and introduced him into the city.*

The power of the two parties was now more equally balanced: and their mutual apprehensions inclined them to listen to the pacific exhortations of the bishops. It was agreed to refer every subject of dispute to the arbitration of the king of France: an expedient which had been proposed the last year by Henry, but rejected by Leicester. Louis accepted the honourable office, and summoned the parties to appear before him at Amiens. The king attended in person: the earl, who was detained at home in consequence of a real or pretended fall from his horse, had sent his attorneys. Both parties solemnly swore to abide by the decision of the French monarch. Louis heard the allegations and arguments of each, consulted his court, and pronounced judgment in favour of Henry. He annulled the provisions of Oxford as destructive of the rights of the crown, and injurious to the interests of the nation: ordered the royal castles to be restored: gave to the king the authority to appoint all the officers of state and of his household, and to call to his

Award of
the king of
France.

Dec. 14.

1264.
Jan. 23.

* Chron. Dunst. 358—360. Rym. i. 773. 775. Wikes, 57. West. 383, 384.

council whomsoever he thought proper, whether native or foreigner; reinstated him in the same condition in which he was before the meeting of the "mad parliament;" and ordered that all offences committed by either party should be buried in oblivion. This award was soon afterwards confirmed by the pope; and the archbishop of Canterbury received an order to excommunicate all, who in violation of their oaths, should refuse to submit to it.*

It is re-
jected by
Leicester.

The barons had already taken their resolution. The moment the decision was announced to them, they declared that it was, on the face of it, contrary to truth and justice, and had been procured by the undue influence, which the queen of Louis, the sister-in-law to Henry, possessed over the mind of her husband.†

Hostilities immediately recommenced: and, as every man of property was compelled to adhere to one of the two parties, the flames of civil war were lighted up in almost every part of the kingdom. In the north, and in Cornwall and Devon, the decided superiority of the royalists forced the friends of the barons to dissemble their real sentiments: the midland counties and the marches of Wales were pretty equally divided: but in the cinque ports, the metropolis, and the neighbouring districts, Montfort governed without opposition. His partisan, Thomas Fitz-Thomas, had been intruded into the office of mayor of London; and a convention for their mutual security had been signed by that officer and the commonalty of the city on the one part, and the earls of Leicester, Gloucester, and Derby, Hugh le Despenser the grand justiciary, and twelve barons on the other. In the different wardmotes every male inhabitant above twelve years of age was sworn a member of the association: a constable and marshal of the city were appointed: and orders were given that at the sound of the great bell at St. Paul's all should assemble in arms, and obey the authority of these officers. The efficacy of the new arrangements was immediately put to the test. Whether Leicester sought to involve the citizens beyond the probability of pardon, or to procure money for future measures, Despen-
 Riots in
London.
March 31.

ser, the justiciary, came from the Tower, put himself at the head of the associated bands, and conducted them to destroy the two palaces of the king of the Romans at Isleworth and Westminster, and the houses of the nobility and citizens known or suspected to be attached to the royal cause. The

* Rymer, i. 776—778. 780—784.

† Annal. Wigorn. 495. Dunst. 363.

justices of the king's bench, and the barons of the exchequer were thrown into prison: the monies belonging to foreign merchants and bankers, which for security had been deposited in the churches, were carried to the Tower: and the Jews, to the number of five hundred, men, women, and children, were conducted to a place of confinement. Out of these Despensers selected a few of the more wealthy, that he might enrich himself by their ransom: the rest he abandoned to the cruelty and rapacity of the populace, who after stripping them of their clothes, massacred them all in cold blood. Cock ben Abraham, who was considered the most opulent individual in the kingdom, had been killed in his own house by John Fitz-John, one of the barons. The murderer at first appropriated to himself the treasure of his victim: but afterwards thought it more prudent to secure a moiety, by making a present of the remainder to Leicester.*

Henry had summoned the tenants of the crown to meet him at Oxford; and being joined by Comyn, Bruce, and Baliol, the lords of the Scottish borders, unfurled his standard, and placed himself at the head of the army. His first attempts were successful. Northampton, Leicester, and Nottingham, three of the strongest fortresses in the possession of the barons, were successively reduced: and among the captives were reckoned Simon the eldest of Leicester's sons, fourteen other bannerets, forty knights, and a numerous body of esquires. From Nottingham he was recalled into Kent by the danger of his nephew Henry, besieged in the castle of Rochester. At his approach the enemy, who had taken and pillaged the city, retired with precipitation: and the king, after an ineffectual attempt to secure the co-operation of the cinque ports, fixed his head-quarters in the town of Lewes.†

Henry is
successful.
April 4.

April 26.

Leicester having added a body of fifteen thousand citizens to his army, marched from London, with a resolution to bring the controversy to an issue. From Fletching he despatched a letter to Henry, protesting that neither he nor his associates had taken up arms against the king, but against the evil

But de-
feated at
Lewes.
May 12.

* Wikes, 59, 60. West. 385. The earl of Gloucester also murdered the Jews in Canterbury: and the earl of Derby destroyed their houses at Worcester, and compelled them to receive baptism. As a justification it was pretended that they were attached to the king, had Greek-fire in their possession, kept false keys to the gates, and had made subterraneous passages from their houses leading under the walls. Dunst. 368. West. 385, 386. Triv. 214.

† Dunst. 366. 369. West. 385. Wikes, 60, 61. Annal. Roffen. 351.

counsellors, who enjoyed and abused the confidence of their sovereign. Henry returned a public defiance, which was accompanied by a message from prince Edward and the king of the Romans, declaring in the name of the royal barons that the charge was false; pronouncing Montfort and his adherents perjured; and daring the earls of Leicester and Derby to appear in the king's court, and prove their assertion by single combat. After the observation of these forms, which the feudal connexion between the lord and the vassal was supposed to make necessary, Montfort prepared for battle. It was the peculiar talent of this leader to persuade his followers, that the cause in which they fought, was the cause of heaven. He

May 13. represented to them that their objects were liberty and justice: and that their opponent was a prince, whose repeated violation of the most solemn oaths had released them from their allegiance, and had entailed on his head the curse of the Almighty. He ordered each man to fasten a white cross on the breast and the shoulder; and to devote the next evening to the duties of religion. Early in the morning he marched forward: and leaving his baggage and standard on the summit of a hill, about two miles from Lewes, descended into the plain. Henry's foragers had dis-

May 14. covered and announced his approach: and the royalists in three divisions silently awaited the attack. Leicester, having called before the ranks the earl of Gloucester and several other young noblemen, bade them kneel down, and conferred on them the order of knighthood: and the Londoners, who impatiently expected the conclusion of the ceremony, rushed with loud shouts on the enemy.* They were received by prince Edward, broken in a few minutes, and driven back as far as the standard. Had the prince returned from the pursuit, and fallen on the rear of the confederates, the victory might have been secured. But he remembered the insults which the citizens had offered to his mother, and the excesses of which they had lately been guilty: the suggestions of prudence were less powerful than the thirst of revenge: and the pursuit of the fugitives carried him with the flower of the army four miles from the field of battle. More than three thousand Londoners were slain; but the advantage was dearly purchased, by the loss of the victory and the ruin of the royal cause. Leicester, who watched with pleasure the impetuosity of the prince, fell with the remainder of his forces on Henry and his brother. A body of

* It appears that the standard of the king was a dragon, the same as had been the standard of the West-Saxon princes. Dunst. 366. West. 387.

Scots, who fought on foot, was cut to pieces. Their leaders, John Comyn and Robert de Bruce, were made prisoners: the same fate befel the king of the Romans: and the combat was feebly maintained by the exertions and example of Philip Basset, who fought near the person of Henry. But when that nobleman sank through loss of blood, his retainers fled; the king, whose horse had been killed under him, surrendered; and Leicester conducted the royal captive into the priory. The fugitives, as soon as they learned the fate of their sovereign, came back to share his captivity, and voluntarily yielded themselves to their enemies.*

When Edward turned from the pursuit, both armies had disappeared. He traversed the field, which was strewn with the bodies of the slain and the wounded, anxiously, but fruitlessly, inquiring after his father. As he approached Lewes, the barons came out, and on the first shock, the earl Warenne, with the king's uterine brothers and seven hundred horse, fled to Pevensey, whence they sailed to the continent. Edward, with a strong body of veterans from the Welsh marches, rode along the wall to the castle, and understanding that his father was a captive in the priory, obtained permission to visit him from Leicester. An unsuccessful attempt made by the barons against the castle revived his hopes: he opened a negotiation with the chiefs of the party: and the next morning was concluded the treaty known by the name of "the
Mise of Lewes.
 mise of Lewes." By this it was agreed that all
May 15.
 prisoners taken during the war should be set at liberty: that the princes Edward and Henry should be kept as hostages for the peaceable conduct of their fathers, the king of England and the king of the Romans; and that all matters which could not be amicably adjusted in the next parliament, should be referred to the decision of certain arbitrators. In the battle of Lewes about five thousand men are said to have fallen on each side.†

* Dunst. 370. 372. West. 387, 388. Wikes, 62. Paris, 853, 854.

† West. 388. Dunst. 372. Wikes, 63. In a letter which has been preserved by Westminster, and which appears to be written by a well informed contemporary, a different account is given of the conclusion of the battle. Henry is said not to have surrendered, but to have retired into the priory, where he was joined by Edward; and after much opposition consented to the treaty to save the lives of the king of the Romans and the noble captives, whom Leicester threatened to put to death. He adds that the arbitrators were to be two Frenchmen, chosen by six other French prelates and noblemen, and were to add to their number one Englishman, that a majority might be ensured in case of diversity of opinion. West. 393.

Leicester's
administra-
tion.

By this victory the royal authority was laid prostrate at the feet of Leicester. The scheme of arbitration was merely a blind to deceive the vulgar: his past conduct had proved how little he was to be bound by such decisions; and the referees themselves, aware of the probable result, refused to accept the office. The great object of his policy was the preservation of the ascendancy, which he had acquired. To Henry, who was now the convenient tool of his ambition, he paid every exterior demonstration of respect: but never suffered him to depart out of his custody; and without consulting him affixed his seal to every order, which was issued for the degradation of the royal authority.* The king of the Romans, a more resolute and dangerous enemy, instead of being restored to liberty, was closely confined in the castle of Wallingford, and afterwards in that of Kenilworth: and the two princes were confided to the custody of the new governor of Dover, with instructions to allow of no indulgence which might facilitate their escape. Instead of removing the sheriffs,

June 4. a creature of Leicester was sent to each county with the title of conservator of the peace. This officer was empowered to arrest all persons who should carry arms without the king's special license; to prevent all breaches of the peace; to employ the posse comitatus to apprehend offenders; and to cause four knights to be chosen as the representatives

June 23. of the county in the next parliament. In that assembly a new form of government was established, to last, unless it were dissolved by mutual consent, till the compromise of Lewes had been carried into full execution, not only in the reign of Henry, but also of Edward, the heir apparent. This form had been devised by the heads of the faction to conceal their real views from the people; and was so contrived that they retained in their own hands the sovereign authority, while to the superficial observer they seemed to have resigned it to the king and his council. It was enacted that Henry should delegate the power of choosing his counsellors to a committee of three persons, whose proceedings should be valid, provided they were attested by the signatures of two of the number. The king immediately issued a writ to the earl of Leicester, the earl of Gloucester, and the bishop of Exeter, authorizing them to appoint in his name a council of nine members: nor were they slow in se-

* *Contra voluntatem nostram literas sigillo nostra, quo non nos, sed comes ipse utebatur pro suo arbitrio, formari fecit. Apud Brady, ii. 653.*

lecting for that purpose the most devoted of their adherents. The powers given to this council were most extensive, and to be exercised without control whenever the parliament was not sitting. Besides the usual authority it possessed the appointment of all the officers of state, of all the officers of the household, and of all the governors of the royal castles. Three were ordered to be in constant attendance on the king's person: all were to be summoned on matters of great importance: and a majority of two-thirds was required to give a sanction to their decisions. Hitherto the original committee seemed to have been forgotten: but it was contrived, that when the council was so divided that the consent of two-thirds could not be obtained, the question should be reserved for the determination of the three electors: an artifice by which, under the modest pretence of providing against dissension, they invested themselves with the sovereign authority. By additional enactments it was provided that no foreigner, though he might go, or come, or reside peaceably, should be employed under the government: that past offences should be mutually forgiven; and that the two charters, the provisions made the last year, in consequence of the statutes of Oxford, and all the ancient and laudable customs of the realm, should be inviolably observed.*

The earl was now in reality possessed of more extensive authority than Henry had ever enjoyed: but he soon discovered that to retain the object of his ambition would require the exertion of all his powers. The cause of the captive monarch was ardently espoused by foreign nations, and by the sovereign pontiff. Adventurers from every province of France crowded to the royal standard which queen Eleanor had erected at Damme in Flanders: and a numerous fleet assembled in the harbour to transport to England the thousands, who had sworn to humble the pride of a disloyal and aspiring subject. To oppose them, Leicester had summoned to the camp on Barham downs, not only the king's military tenants, but the whole force of the nation;† and taking on himself the command of the fleet, cruised

The
queen's
army dis-
persed.

Aug. 3.

* Rym. i. 791—795. Brady, ii. App. No. 213, 214.

† The military tenants were ordered under the penalty of felony to bring into the field not only the force specified by their tenures, but all the horsemen and infantry in their power: every township was compelled to send eight, six, or four footmen well armed with lances, bows and arrows, swords, cross-bows and hatchets, who should serve forty days at the expense of the township: and the cities and burghs received orders to furnish as many horsemen and footmen as the sheriff might appoint. No excuse was to be

in the narrow seas to intercept the invaders. But the winds seemed to be leagued with the earl: the queen's army was detained for several weeks in the vicinity of Damme: and the mercenaries gradually disbanded themselves, when the short period for which they had contracted to serve was expired. At the same time the pontiff had commissioned Guido, cardinal bishop of Sabina, to proceed to England, and take

Aug. 12. Henry under the papal protection: but the hint of a conspiracy against his life deterred him from crossing the sea, and he was content to summon four of the

Oct. 12. English prelates to appear before him at Boulogne. After much tergiversation they obeyed: but appealed from his jurisdiction to the equity of the pope, or a general council: and though they consented to bring back a sentence of excommunication against the king's enemies, they willingly suffered it to be taken from them by the officers at Dover. Their appeal was approved by the

Oct. 23. convocation of the clergy, and Guido, after publishing the excommunication himself at Hesdin,

Oct. 30. returned to Rome, where he was elevated to the chair of St. Peter by the name of Clement IV.*

Pretended liberation of Edward. During the summer Leicester had been harassed with repeated solicitations for the release of the two princes, Edward and Henry. In the winter he pretended to acquiesce, and convoked a parliament to meet after Christmas, for the avowed purpose of giving the sanction of the administration to so important a measure. But the extraordinary manner in which this assembly was constituted, provoked a suspicion that his real object was to consolidate and perpetuate his own power. Only those prelates and barons were summoned, who were known to be attached to his party: and the deficiency was supplied by representatives from the counties, cities, and boroughs,† who, as they had been chosen through his influence, proved the obsequious ministers of his will. Several weeks were consumed in private negotiation with Henry and his son. Leicester was aware of the untameable spirit of Edward: nor would he consent that the prince should exchange his confinement for the company of his father, on any other terms, than that he should still remain under the inspection of his keepers,

allowed on account of the shortness of the time, the approach of the harvest, or any other private inconvenience. See this extraordinary summons in Brady, ii App. No. 217.

* Dunst. 373, 374. Rym. i. 798—800. West. 388, 389. 394. Wikes, 63. 65.

† Rym. i. 803, 804.

and evince his gratitude for the indulgence by ceding to the earl and his heirs the county of Chester, the castle of Pec, and the town of Newcastle under Lyne, in exchange for which he should receive other lands of the same annual value. At length the terms were settled, and confirmed by the parliament, with every additional security, which the jealousy of the faction could devise. It was enacted that the charters and the ordinances should be inviolably observed: that neither the king nor the prince should aggrieve the earl or his associates for their past conduct: that if they did, their vassals and subjects should be released from the obligation of fealty till full redress were obtained, and their abettors should be punished with exile and forfeiture: that the barons, whom the king had defied before the battle of Lewes, should renew their homage and fealty, but on the express condition that such homage and fealty should be no longer binding, if he violated his promise: that the command of the royal castles should be taken from suspected persons, and entrusted to officers of approved loyalty: that the prince should not leave the realm for three years under pain of disherison: that he should not choose his advisers and companions himself, but receive them from the council of state: that with his father's consent he should put into the hands of the barons for five years, five royal castles, as securities for his behaviour; and should deliver to Leicester the town and castle of Bristol in pledge, till a full and legal transfer should be made of Chester, Pec, and Newcastle: that both Henry and Edward should swear to observe all these articles, not to solicit any absolution from their oath, and to make no use of such absolution, if it were to be pronounced by the pope: and lastly that they should cause the present agreement, "to be confirmed in the best manner that might be devised, in Ireland, Gascony, Scotland, and all lands subject to the king of England."* These were terms which nothing but necessity could have extorted: and to add to their stability, they were for the most part embodied in the form of a writ, signed by the king, and sent to the sheriffs, with orders to publish them in the full court of each county twice every year.

1265.
March 13.

* Par Ireland, par Gascoigne, par le Roi de Eschoce, e par totes les teres sugeites au Roi de Engleterre. Brad. i. App. 34. This curious passage shows that the parliament at this period considered Scotland as a fief of the English crown.

The
marchers
subdued.

It is generally supposed that the project of summoning to parliament the representatives of the counties, cities, and boroughs, grew out of that system of policy which the earl had long pursued, of flattering the prejudices, and attaching to himself the affections, of the people. Nor had his efforts proved unsuccessful. Men in the higher ranks of life might penetrate behind the veil, with which he sought to conceal his ambition: but by the nation at large he was considered as the reformer of abuses, the protector of the oppressed, and the saviour of his country. Even some of the clergy, and several religious bodies, soured by papal and regal exactions, gave him credit for the truth of his pretensions, and preachers were found, who, though he had been excommunicated by the legate, made his virtues the theme of their sermons, and exhorted their hearers to stand by the patron of the poor, and the avenger of the church.* Within the kingdom no man dared to dispute his authority: it was only at the extremities that a faint show of resistance was maintained. The distant disobedience of a few chiefs on the Scottish borders he despised or dissembled: and the open hostilities of the lords in the Welch marches were crushed in their birth by his promptitude and decision. He

1265.
Jan. 15.

compelled Roger de Mortimer and his associates to throw down their arms, surrender their castles, and abide the judgment of their peers, by whom they were condemned to expatriate themselves, some for twelve months, others for three years, and to reside during their exile in Ireland. They pretended to submit, but lingered on the sea-coast, and amid the mountains of Wales, in the hope that some new event might recall them to draw the sword, and fight again in the cause of their sovereign.†

Defection
of Glou-
cester.

It had cost Leicester some years and much labour to climb to the summit of his greatness: his descent was rapid beyond the calculation of the most sanguine among his enemies. He had hitherto enjoyed the co-operation of the powerful earls of Derby and Gloucester: but, if *he* was too ambitious to admit of an equal, *they* were too proud to bow to a fellow-subject: frequent altercations betrayed their secret jealousies: and the sudden arrest and imprisonment of Derby on a charge of cor-

* Rym. i. 823. West. 395. It is amusing to compare the opposite writers of this period. Wikes, and the letter-writer in Westminster (392—395) are royalists, and severely censure the ambition and treason of Leicester: but in the estimation of the chroniclers of Dunstaple (363), and of Waverley (220), he lived a saint and died a martyr.

† Wikes, 65. West. 394.

responding with the royalists, warned Gloucester of his own danger. He would have shared the captivity of his friend, had he assisted at the great tournament at Northampton: by his absence he disconcerted the plans of his enemy, and, recalling Mortimer and the exiles, unfurled the royal standard in the midst of his tenantry. Leicester immediately hastened to Hereford with the king, the prince, and a numerous body of knights. To prevent the effusion of blood their common friends intervened: a reconciliation was effected: and four umpires undertook the task of reconciling their differences. But under this appearance of friendship all was hollow and insincere. Leicester sought to circumvent his adversary: Gloucester waited the result of a plan for the liberation of Edward, which had been concerted through the means of Thomas de Clare, brother to the earl, and companion to the prince.*

April 19.

April 25.

May 12.

One day after dinner Edward obtained permission to take the air without the walls of Hereford attended by his keepers. They rode to Widmarsh. A proposal was made to try the speed of their horses: several matches were made and run: and the afternoon was passed in a succession of amusements. A little before sunset there appeared on Tulington hill a person riding a gray charger, and waving his bonnet. The prince, who knew the signal, bidding adieu to the company, instantly galloped off with his friend, another knight, and four esquires. The keepers followed: but in a short time Mortimer with a band of armed men issued from a wood, received Edward with acclamations of joy, and conducted him to his castle of Wigmore. The next day the prince met the earl of Gloucester at Ludlow. They mutually pledged themselves to forget all former injuries, and to unite their efforts for the liberation of the king, on condition that he should govern according to the laws, and should exclude foreigners from his councils.†

Escape of
the prince.
May 28.

When Leicester received the news of Edward's escape, he conceived that the prince was gone to join the earl Warrene, and William de Valence, who a few days before had landed with one hundred and twenty knights on the coast of Pembroke-shire. Ig-

Leicester
driven into
Wales.

* Wikes, 66. West. 394. Of the solicitude with which Edward had been guarded, a curious instance is mentioned by the monk of Melrose, 240.

† Itym. i. 811. Wikes, 67. West. 395. Mailros, 230.

norant, however, of his real motions, he dared not pursue him: but issued writs in the king's name, ordering the military tenants of the crown to assemble at first in Worcester, and afterwards in Gloucester.

May 30.

June 7.

To these he added circular letters to the bishops, accusing Edward of rebellion, and requesting a sentence of excommunication against all disturbers of the peace "from the highest to the lowest."* The royalists had wisely determined to cut off his communication with the rest of the kingdom by securing to themselves the command of the Severn. Worcester readily opened its gates: Gloucester was taken by storm: and the castle after a siege of two weeks was surrendered on condition that the garrison should not serve again during the next forty days. Every bridge was now broken down: the small craft on the river was sunk or destroyed; and the fords were either deepened or watched by powerful detachments. Leicester, caught as it were in the toils, remained inactive at Hereford: but he awaited the

June 22.

arrival of the troops he had summoned, and concluded with Llewellyn of Wales a treaty of alliance, by which, for the pretended payment of thirty thousand marks, Henry was made to resign all the advantages which he and his predecessors had wrested from the princes of that country. At last, reinforced by a party of Welsh-

June 28.

men, the earl marched to the south, took and destroyed the castle of Monmouth, and fixed his head-quarters at Newport. Here he expected a fleet of transports to convey him to Bristol: but the galleys of the earl of Gloucester blockaded the mouth of the Avon; and Edward with the bravest of his knights made an attempt on the town of Newport itself. The part which lay on the left bank of the Usk, was carried: but the destruction of the bridge arrested the progress of the victors, and Leicester with his dispirited followers escaped into Wales.†

His son defeated.

Misfortune now pressed on misfortune; and the last anchor of his hope was broken by the defeat of his son Simon of Montfort. That young nobleman was employed in the siege of Pevensey, on the coast of Sussex, when he received the king's writ to repair to Worcester. On his march he sacked the city of Win-

July 12.

chester, the gates of which had been shut against him, passed peaceably through Oxford, and reached the castle of Kenilworth, the principal residence of his family. Here

* Rym. i. 811—813.

† Rym. i. 814. Wikes, 68. Waver. 218, 219.

he remained for some days in heedless security, awaiting the orders of his father. Margot, a woman who in male attire performed the office of a spy, informed the prince, that Simon lay in the priory, and his followers in the neighbouring farm houses. Edward immediately formed the design of surprising them in their beds; and marching from Worcester in the evening arrived at Kenilworth about sunrise the next morning. Twelve bannerets with all their fol-
lowers were made prisoners: and their horses and treasures repaid the industry of the captors. Simon alone with his pages escaped naked into the castle.*

Aug. 1.

Leicester on the same day had crossed the Severn by a ford, and halted at Kempsey, about three miles from Worcester. Happy to find himself at last on the left bank of the river, and ignorant of the fate of his son and the motions of the enemy, he proceeded to Evesham, with the intention of continuing his march the next morning for Kenilworth. The prince had returned with his prisoners to Worcester: but left the city in the evening; and, to mask his real design, took the road which leads to Bridgenorth. He passed the river near Clains, and wheeling to the right, arrived before sunrise in the neighbourhood of Evesham. He took his station on the summit of a hill in the direction of Kenilworth:

He is killed at the battle of Evesham.

Aug. 4.

two other divisions, under the earl of Gloucester, and Roger de Mortimer, occupied the remaining roads. As the royalists bore the banners of their captives, they were taken by the enemy for the army of Simon de Montfort. But the mistake was soon discovered: Leicester from an eminence surveyed their numbers and disposition; and was heard to exclaim: "The Lord have mercy on our souls, for our bodies are prince Edward's." According to his custom he spent some time in prayer, and received the sacrament. His first object was to force his way through the division on the hill. Foiled in this attempt, and in danger of being surrounded, he ordered his men to form in a circle, and oppose on all sides the pressure of the enemy. For a while the courage of despair proved a match for the superiority of numbers. The old king, who had been compelled to appear in the ranks,

* Wikes, 69, 70. Waver. 219. The Scotch monk of Melrose gives a singular reason, why Simon and his knights slept out of the castle. It was for the sake of bathing as soon as they rose in the morning, which made them more alert in battle. Mail. 230. His description of their surprise and flight is amusing. Cerneret ibi quosdam omnino nudos fugere, nonnullos bracchas tantum habentes super se, quosdam vero camisas et femoralia tantum. Multi tamen tulerunt pannos suos inter ulnas. 231.

was slightly wounded: and, as he fell from his horse, would probably have been killed, had he not cried out to his antagonist, "Hold, fellow, I am Harry of Winchester." The prince knew the voice of his father, sprung to his rescue, and conducted him to a place of safety. During his absence Leicester's horse was killed under him: and, as he fought on foot, he asked, "if they gave quarter." A voice replied, "There is no quarter for traitors." Henry de Montfort, his eldest son, who would not leave his side, fell at his feet. His dead body was soon covered by that of the father. The royalists obtained a complete but sanguinary victory. Of Leicester's partisans all the barons and knights were slain with the exception of about ten, who were afterwards found breathing, and were cured of their wounds. The foot soldiers of the royal army, so we are told to save the honour of the leaders, offered to the body of the earl every indignity. His mangled remains were afterwards collected by the king's orders, and buried in the church of the abbey.*

Henry re- By this victory the sceptre was replaced in the
stored. hands of Henry. With the head, the hopes of

the barons had been extinguished: they spontaneously set at liberty the prisoners who had been detained since the battle of Lewes, and anxiously awaited the determination of the parliament which had been summoned to

Sep. 8. meet at Winchester. In that assembly it was enacted, that all grants and patents issued under the king's seal during the time of his captivity, should be re-

Sep. 16. voked; that the citizens of London for their obstinacy and excesses should forfeit their charter; that the countess of Leicester and her family should quit the kingdom; and that the estates of all, who had adhered to the

Nov. 6. late earl, should be confiscated. The rigour of the last article was afterwards softened by a declaration, in which the king granted a free pardon to those who could show that their conduct had not been voluntary but the effect of compulsion.† These measures, however, were not calculated to restore the public tranquillity. The sufferers, prompted by revenge, or compelled by want, had again recourse to the sword: the mountains, forests, and morasses, furnished them with places of retreat: and the flames of pre-

* Waver. 219, 220. Duns. 384. West. 395. Rishanger, cont. Paris, 855. Mailros, 231, 232. This annalist is more enthusiastic in his praise of Leicester than any of our national historians. He employs seven pages in proving his sanctity by a number of ridiculous miracles. With him even Despensers is a martyr of justice. 232—239.

† Claus. 50 Hen. III. m. 10. d. apud Brady, ii. 654.

datory warfare were kindled in most parts of the kingdom. To reduce these partial but successive insurrections occupied prince Edward the better part of two years. He first compelled Simon de Montfort and his associates, who had sought an asylum in the isle of Axholm, to submit to the award which should be given by himself and the king of the Romans. He next led his forces against the men of the cinque ports, who had long been distinguished by their attachment to Leicester, and who since his fall had by their piracies interrupted the commerce of the narrow seas, and made prizes of all ships belonging to the king's subjects. The capture of Winchelsey, which was carried by storm, taught them to respect the authority of the sovereign: and their power by sea made the prince desirous to recall them to their duty and attach them to the crown. They swore fealty to Henry: and in return obtained a full pardon, and the confirmation of their privileges. From the cinque ports Edward proceeded to Hampshire, which with Berkshire and Surrey was ravaged by numerous banditti, under the command of Adam Gordon, the most athletic man of the age. They were surprised in a wood near Alton. The prince engaged in single combat with their leader, wounded and unhorsed him; and then, in reward of his valour, granted him his pardon.* Still the garrison of Kenilworth continued to brave the royal power, and even added contumely to their disobedience. Having in one of their excursions taken a king's messenger, they cut off one of his hands, and sent him back with an insolent message to Henry. To subdue these obstinate rebels it was necessary to summon the chivalry of the kingdom; but the strength of the place defied all the efforts of the assailants: and the obstinacy of Hastings the governor, refused for six months every offer, which was made to him in the name of his sovereign.†

Dec. 27.

1267.
May 6.

July.

There were many, even among the royalists, who disapproved of the indiscriminate severity exercised by the parliament at Winchester: and a possibility was suggested of granting indulgence to the sufferers, and at the same time satisfying those who had profited by their forfeitures. With this view a committee was appointed of twelve prelates and barons, whose award was confirmed by the king in parliament, and called the dictum de Kenilworth.

Mitigation
of the
punish-
ment of
the rebels.

Oct. 31.

* West. 396. Dunst. 385. 387. Wikes, 221, 222.

† Paris, 857. Claus. 50 Hen. III. m. 5. Brad. ii. 656.

They divided the delinquents into three classes. In the first were the earl of Derby, Hugh de Hastings, who had earned this pre-eminence by his superior ferocity, and the persons who had so insolently mutilated the king's messenger: the second comprised all who on different occasions had drawn the sword against their sovereign: in the third were numbered those, who, though they had not fought under the banner, had accepted offices under the authority, of Leicester. To all was given the option of redeeming their estates by the payment to the actual possessors of certain sums of money, to the amount of seven years' value by delinquents of the first class, of five by those of the second, and of two years or one year by those of the third.* By many the boon was accepted with gratitude: it was scornfully refused by the garrison of the castle of Kenilworth, and by the outlaws who had fled to the isle of Ely. The obstinacy of the former was subdued by

Dec. 9. famine: and they obtained from the clemency of the king the grant of their lives, limbs, and apparel. The latter, relying on the strength of their asylum, gloried in their rebellion, and occasionally ravaged the neighbouring country. Their impunity was, however, owing to the perfidy of the earl of Gloucester, who, without the talents, aspired to the fame and pre-eminence, of his deceased rival.

1267.
Apr. 9. He expressed his disapprobation of the award: the factious inhabitants of London chose him for their leader; and his presumption was nourished by the daily accession of outlaws from different parts of the country. Henry summoned his friends to the siege of the capital: and the earl, when he beheld from the walls the royal army, and reflected on the consequences of a defeat, condemned his own temerity, accepted the mediation of the king of the Romans,

June 15. and on the condition of receiving a full pardon, gladly returned to his duty. His submission

July 25. drew after it the submission of the other insurgents. If Llewellyn remained in arms, it was only with the hope of extorting more favourable terms. The title of prince of Wales with a right to the homage of the

Sep. 25. Welsh chieftains satisfied his ambition: and he consented to swear fealty to Henry, and to pay

* West. 398. Wikes, 223. Dunst. 391, 392. Provisions were made for the sale of parts of the estates in order to raise the money. Men who had no estates were to pay one half of their goods and chattels, and find security for their future behaviour. Those who had neither lands nor goods, were to swear that they would preserve the peace, find sureties, and stand to the judgment of the church. See the dictum itself in the Statutes at Large, London, 1786, vol. x. App. p. i.

him the sum of twenty-five thousand marks.* The restoration of tranquillity allowed the king to direct his attention to the improvement of his people. He condescended to profit by the labours of his adversaries: and some of the most useful among the provisions of the barons were with other laws enacted by legitimate authority in a parliament at Marlborough. To crown this important work, and to extinguish, if it were possible, the very embers of discontent, the clergy were brought forward with a grant of the twentieth of their revenues, as a fund which might enable those, who had been prevented by poverty, to redeem their estates according to the decision of the arbitrators of Kenilworth. The outlaws in the isle of Ely were also reduced. The king's poverty had disabled him from undertaking offensive measures against them: but a grant of the tenth part of the church revenues for three years, which he had obtained from the pope, infused new vigour into his councils: bridges were thrown over the rivers; roads were constructed across the marshes; and the rebels returned to their obedience on condition that they should enjoy the benefit of the dictum of Kenilworth, which they had so contemptuously and obstinately refused.†

The reader has seen Guido the bishop of Sabina, at Boulogne, and has witnessed the decided part, which he took between the king and the barons. His attachment to the royal cause was not weakened by his elevation to the papacy. From the chair of St. Peter he anxiously watched the course of events in the island; despatched the cardinal Ottoboni to take advantage of every favourable circumstance; forbade the payment of the tenth which the clergy had been induced to grant to Leicester; congratulated the prince on his escape; and repeatedly exhorted the barons to rescue their sovereign from the control of an ambitious subject. The news of the victory of Evesham filled him with joy. He instantly wrote to the king and the prince to express his gratitude to the Almighty for so propitious an event: but at the same time earnestly exhorted them to use with moderation the license of victory; to temper justice with mercy; to recollect that revenge was unworthy of a christian, and that clemency was the firmest pillar of a throne.‡ When the legate arrived, he repeated

Conduct of
the pope
and the
legate.

* Dunst. 393. West. 398, 399. Rym. i. 841. 844. 849. Waver. 224. Wikes, 83, 84. Heming. 588. Annal. Norwic. 398.

† Paris, 856. Wikes, 82. 86. Duns. 397.

‡ Rym. i. 817—829.

the instructions of the pontiff, disapproved of the harsh measures adopted by the parliament at Winchester, and by diffusing a spirit of moderation, greatly contributed to the restoration of tranquillity. From temporal, Ottoboni turned his attention to ecclesiastical matters: and among the canons which he published in a council at London, many of those which regard commendams, residence, dilapidations, repairs,

1268.
April 25.
June 25.

and the plurality of benefices, still retain the force of law in the ecclesiastical courts.* Before his departure, he recommended the interests of the oriental christians to a numerous concourse of people at Northampton, and gave the cross to the princes Edward and Edmund, to Henry the king's nephew, to twenty-two bannerets, and to more than one hundred knights.†

Edward's
journey to
the holy
land.

It must appear extraordinary that the heir apparent and principal support of the crown, should select the present moment for an expedition to Palestine. If the country was at peace, yet the wounds inflicted by the civil war were hardly closed; and the king was rapidly advancing in age, with a mind evidently unequal to the cares of his station. But considerations of individual interest were absorbed in a general enthusiasm for what was considered the common cause of all christendom. Of the original kingdom of Jerusalem very little remained: to that little, however, the christians clung with the most devoted attachment: and the loss of any fragment of it was sufficient to diffuse a deep sense of sorrow throughout Europe, and to array army after army in the hopeless task of preserving the remainder. Antioch had lately fallen: at the news the king of France, though his last expedition had cost him his liberty, and almost his life, reassumed the cross; and Edward immediately resolved to share with that accomplished monarch the danger and the merit of the new crusade. To Providence he ascribed the recent deliverance of himself and his father from the control of their enemies: gratitude demanded that he should contribute to rescue the sepulchre of Christ from the pollution of the infidels. Perhaps, however, there was as much of policy as of devotion in

* Wikes, 85. Otho, his predecessor, had vainly attempted to abolish the abuse, which was so prevalent in England, of bestowing a number of benefices on the same individual. On the present occasion some of the prelates appealed from the legate to the pope, but were induced the next morning to withdraw their appeal. Ibid. Indeed it would not have succeeded. So inexorable was Clement on that subject, that as soon as he learned that his nephew possessed three benefices, he compelled him to resign two. Spond. 222.

† Wikes, Ibid.

his conduct. The crusade would open an honourable field for the exertions of turbulent and adventurous spirits, who might there employ against the Saracens those arms, which at home they might be induced to turn against their own sovereign: and he had expressly stipulated, and the stipulation was confirmed by oaths and pledges, that the earl of Gloucester, the man whom he feared the most, should either accompany or follow him to Pales-

1270.
May 27.

tine. Having resolved to take with him his wife Eleanor, daughter to Alphonso king of Castile, he appointed a guardian for his children, and governors for his castles, and committed the care of the succession, and the administration of the kingdom, in the event of Henry's death, to his uncle the king of the Romans, and after him to Henry d'Almaigne, the son of that monarch.* His departure was wisely distinguished by acts of popularity, the grant of a new charter with the restoration of their liberties to the citizens of

July 16.

London, and a pardon for the earl of Derby, whose repeated treasons had deserved the utmost severity of punishment. But while the prince was thus employed, the christian army had crossed the Mediterranean, and was mouldering away with disease on the sultry coast of Mauritania. The easy Louis had been induced by his brother Charles to direct his arms in the first instance against the bey of Tunis, who had refused to the new king the tribute which he had paid to the former possessors of Sicily. When Edward ar-

Nov. 10.

rived, he found the camp plunged in the deepest affliction. The African prince had indeed submitted: but Louis was dead of a dysentery: Philip, his son and successor, was anxious to take possession of his kingdom: and to men unacquainted with the climate, the navigation of the Mediterranean in the winter appeared a formidable undertaking. The English prince found himself compelled to return with his associates to Italy. He fixed his residence at Trepani, that he might resume his journey with the first appearance of spring; and despatched his cousin Henry with private instructions to Eng-

land. That prince was led by curiosity to visit Viterbo in the company of the kings of France and Sicily, to witness the election of a successor to pope Clement IV. Early one morning he entered a church to hear mass. After its conclusion he

Murder of
prince
Henry.
1271.
March 13.

remained intent on his devotions, when he was suddenly alarmed by the sound of a well-known voice, exclaiming, "Thou

* Rym. i. 861—864. Wikes, 90, 91.

traitor, Henry, thou shalt not escape." Turning he saw his two cousins, the outlaws Simon and Guy de Montfort, hastening towards him with their swords drawn, and in complete armour. The unfortunate prince immediately sprang to the altar. But the sanctity of the place could not save him. Of two clergymen who generously interposed, one was killed; and the other was left for dead. Henry himself fell under a multitude of wounds. The two brothers glutted their revenge with the mutilation of his dead body, dragged it to the door of the church, and mounted their horses in triumph, under the protection of the count Aldobrandini, Guy's father-in-law. This sacrilegious assassination spread a general gloom through the city. The Montforts were instantly excommunicated by the college of cardinals: Charles issued orders for their apprehension; and Philip publicly expressed the deepest horror of their conduct. These princes were perhaps sincere: but no demonstrations of grief or resentment could expunge from the mind of Edward the suspicion that, if the murder were not perpetrated, at least the escape of the murderers was effected, with their consent or connivance.*

Richard, the king's brother, still retained his pretensions to the empire. He had lately revisited his nominal kingdom, entertained the German princes at Worms, and abolished with their concurrence the exorbitant customs levied on the passage of merchandise by the towns on both banks of the Rhine. Though advanced in age he married a second wife, the daughter of Theodoric de Falquemort, a German baron: and proud of his young bride, hastened to display her superior beauty in his own country; but his vanity was checked by the melancholy catastrophe of his son, whose body he buried in the church of Hales, an abbey which he had founded. Soon afterwards his own remains were deposited in the same vault. At Kirkham a paralytic stroke deprived him of the use of his limbs: nor could the skill of his physicians prolong his life but a few months. Henry followed his brother. Repeated maladies had gradually worn out the king's constitution. In the last year he had been in the most imminent danger, and had earnestly required by letter the return of prince Edward. On his recovery he undertook to provide for the liquidation of his debts, by appointing commissioners to receive and administer his revenue, reserving for his private use no more than one hundred and twenty pounds in the

Death of
Richard
king of the
Romans.

Dec. 12.

1272.

April 2.

* Rym. i. 871. 890. 892. ii. 4—10. Wikes, 92. 94.

year.* But the death of his brother, the murder of his nephew, and the absence of his son, added anxiety of mind to infirmity of body: his health rapidly declined: and he expired at Westminster, with the most edifying sentiments, in the fifty-seventh year of his reign. The abbey church, which he had rebuilt from the foundations, was selected for the place of his burial, and his body was deposited in the very tomb out of which he had formerly removed into a golden shrine the bones of Edward the confessor. Many prelates and barons attended the funeral: before the tomb was covered, the earl of Gloucester stepped forward, and putting his hand on the body of the king, swore fealty to prince Edward: and his example was eagerly followed by the surrounding spectators. The new monarch was immediately proclaimed by the style of Edward, king of England, lord of Ireland, and duke of Aquitaine.†

And of
Henry.

Nov. 20.

From the preceding pages the reader will have learned to appreciate the character of Henry. Gentle and credulous, warm in his attachments, and forgiving in his enmities, without vices, but also without energy, he was a good man, and a weak monarch. In a more peaceful age, when the empire of the laws had been strengthened by habits of obedience, he might have filled the throne with decency, perhaps with honour: but his lot cast him into one of the most turbulent periods of our history, without the talents to command respect, or the authority to enforce submission. Yet his incapacity was productive rather of inconvenience to himself than of misery to his subjects. Under his weak but pacific sway the nation grew more rapidly in wealth and prosperity than it had done under any of his military progenitors. Out of the fifty-six years, through which he extended his reign, but a very small portion was marked with the calamities of war: the tenants of the crown were seldom dragged by him into foreign countries, or impoverished by scutages for the support of mercenary armies:

The king's
character.

* Rym. i. 871. Henry had on several other occasions retrenched the expenses of his household for the purpose of paying his debts. Paris, 697. 860.

† Rym. i. 888, 889. Wikes, 98. Annal. Wigorn. 499. By the native historians of the age the new church of Westminster was deemed superior in magnificence to any other in christendom. *Quam idem rex opere sumptuosissimo fabricatam, amota prorsus vetere, quæ nullius omnino valoris extiterat, de propriis fisci regalis exitibus a fundamentis construxit, quæ quidem sumptibus et decore sic cæteris per orbem ecclesiis præponi decernitur, ut videatur comparem non habere.* Wikes, 89.

the proprietors, deprived of two sources of wealth, the plunder of an enemy, and the ransom of captives, turned their attention to the improvement of their estates: salutary enactments invigorated the spirit of commerce: and there scarcely existed a port from the coast of Norway to the shores of Italy, that was not annually visited by English merchants. This statement may perhaps surprise those, who have listened only to the remonstrances of factious barons, or the complaints of discontented historians: but the fact is, that of all the kings since the conquest, Henry received the least money from the tenants of the crown. According to the most accurate calculation, the average amount of his expenses did not exceed twenty-four thousand marks per annum:* and we are assured that in the course of a reign which continued half a century, the only extraordinary aids levied by him on the nation were two fifteenths, one thirtieth, and one fortieth for himself, and one twentieth for the relief of the holy land.† His great resource was the tenth of the ecclesiastical revenues, which he received for some years: an impost which, though insufficient to rescue him from the pressure of poverty, was calculated from its partial operation to exasperate the minds of those who were compelled to pay it. The clergy struggled in vain to shake off the burden; their writers have laboured more successively to interest in their favour the feelings of posterity by the description, probably the exaggerated description, of their wrongs.‡

Before I proceed to the history of the next king, I may be allowed to notice a few miscellaneous but interesting particulars, which regard the legislature, the laws, the police, and the church of England.

* Postquam cœperat esse regni dilapidator. Paris, 814. If these words mean from his accession, the average is 24,000, if from the year in which he came of age, about 30,000 marks.

† Carte, ii. 171. Of course the aids are not included which the tenants of the crown were obliged to pay by their tenures, and which were reckoned in the ordinary revenue of the year.

‡ Of these writers the most querulous is Matthew Paris, a monk of St. Alban's, partly the author, partly the compiler of the ponderous volume, which with Rishanger's continuation has been published under his name. It contains many original and some valuable documents: but the writer, accustomed to lash the great, whether clergy or laity, seems to have collected and preserved every malicious and scandalous anecdote, that could gratify his censorious disposition. It may appear invidious to speak harshly of this favourite historian: but this I may say, that when I could confront his pages with authentic records, or contemporary writers, I have in most instances found the discrepancy between them so great, as to give to his narrative the appearance of a romance rather than a history.

I. During the reign of Henry, but while he was under the control of Leicester, we are surprised at the unexpected appearance of a parliament, constituted as our present parliaments are, of the lords spiritual and temporal, and the representatives of the counties, cities, and boroughs.* Was this the innovation of a bold and politic adventurer, or merely the repetition of an ancient and accustomed form? Something more than a century ago, the question was fiercely debated between the adverse champions of the prerogative of the crown, and the liberties of the people: since that period it has been investigated with more coolness and impartiality: and most writers have agreed to pronounce the assembly of 1265 a new experiment, devised for the purpose of extending the influence, and procuring support to the projects, of Leicester. 1. In the history of the preceding reigns we shall search in vain for any satisfactory evidence, that the cities and burghs sent their representatives to the national councils. Historians, indeed, sometimes mention the people, or the multitude, as awaiting the decision of the assembly, and testifying their approbation by their applause: but such passages may with propriety be understood of the neighbouring inhabitants, whom curiosity might lead to the spot; of the culprits and petitioners, the suitors and pledges, whose duty or whose interest it was to be present; and of the clergymen and monks, the knights and esquires, who are in attendance on their lords, the prelates and barons.† If at a later period some boroughs claimed the privilege of representation from remote antiquity, or if the members of the lower house boasted that they had formed a constituent part of the legislature from time beyond the memory of man, such pretensions may be attributed either to their ignorance of history, or the use of legal expressions without any definite meaning.‡ To me all

Constitution
of parlia-
ment.

Originally it
comprised
only the te-
nants in
chief.

* See p. 191.

† If the passage sometimes quoted from Eadmer (p. 26) prove any thing, it will prove that all the clergymen and monks, who attended the archbishop, were members of the council: and the other passage from the *Gesta Stephani* (p. 932, 933) seems to describe nothing more than the crowd of spectators. The rolls mention the approbation of the spectators, as being given occasionally to the determinations of parliament, even in the reign of Richard II. Rot. Parl. iii. 360.

‡ The borough of St. Alban's, in a petition to the council in the reign of Edward II., says it had sent representatives under the king's father and his predecessors: that of Barnstaple, that it had always sent representatives by virtue of a charter of king Athelstan which unfortunately was lost. I suspect that the framers of such petitions were accustomed to give to their pretensions an antiquity which, they knew, would not bear investigation.

the great councils under the first Norman kings appear to have been constituted on feudal principles. The sovereign might claim an extraordinary aid from his liege man; but the consent of the man was requisite to legalize the aid: he might seek to make alterations in the laws and customs of the realm; but he was previously expected to ask the advice of those vassals, whose rights and interests it was his duty, as their lord, to protect and improve. Hence all who held in barony were summoned to the great council: but, as the reader has seen, a line of distinction was soon drawn between the greater barons, the lords spiritual and temporal, and the lesser barons, the inferior tenants in chief. From their great property the former (and through them their numerous tenantry) were deeply interested in almost every legislative enactment: and so extensive was their influence, that the royal authority could not, without their concurrence, carry any law into execution. Hence their presence in the national councils was exacted as a duty: and every unjustifiable failure on their part was punishable as a breach of that fealty, which they owed to the crown. But with the inferior tenants the case was different. Their consent was implied in that of the greater barons: and as attendance must have proved expensive and inconvenient to men of small fortunes, it was but seldom enforced.* Hence on ordinary occasions the great council appears to have been composed of the bishops and abbots, the earls and barons, the ministers and judges, and the neighbouring knights, holding of the crown: but on others, when the

* If we seek to discover the members of these councils in the description given of them in the original writs, our labour will be fruitless. There is something singularly ambiguous in the language. Thus in the confirmation of the great charter (9th Henry III.) we are told that a fifteenth has been granted in return by the bishops, earls, barons, knights, free tenants, and all of the kingdom—*omnes de regno*—an expression which would induce a belief that the representatives of the free tenants, the cities and boroughs, were present. Yet such inference cannot be supported. For in another writ we have a grant by the “earls, barons, and all others of the whole kingdom, *omnes alii de toto regno nostro*,” and yet the same persons a few lines lower are described as the “earls, barons, and all others holding in chief of the crown, *et omnium aliorum qui de nobis tenent in capite*.” (Cl. 19 Hen. III. Brad. i. App. p. 43.) In the same reign we find a fortieth granted by the bishops, earls, barons, knights, freemen, and *villains* (Claus. 16 Hen. III. Brad. ii. App. No. 151.) Certainly the *villains* sent no representatives, and yet they are said to have made the grant. Probably, as the lord could at any time with the permission of the crown raise money by tallage on his free tenants, his burgesses, and his *villains*, their consent was understood to be included in his. Thus in the grant of a thirtieth, five years later, it is said to have been made by the bishops, earls, barons, knights, and freemen for themselves, and their *villains*—*pro se et villanis suis*. Cl. 21 Hen. III. Brad. ii. App. No. 159.

safety of the kingdom was at stake, or an extraordinary aid was to be granted, the king convoked an assembly of all his tenants in chief: in more early times perhaps by a summons directed to each individual separately,* afterwards by personal writs to the greater barons, and a general writ to the other tenants in each county.†

2. But though the immediate vassals of the crown were the only individuals possessing a personal right to be present in parliament, there are some instances in which the representatives of the counties were required to attend previously to the year 1265. It must at all times have been difficult for the sovereign to become acquainted with the real state of the country, from the interested reports either of his barons or his ministers. If then he wished to ascertain his own rights, or the wrongs of the people, or the speculations of his officers, he was accustomed to authorize a commission of knights in each shire, either named by himself, or elected in the county court, to proceed from hundred to hundred, to make inquiries upon oath, and to lay the result of their labours before him, either in council or parliament. Thus we are told that William the conqueror, when he resolved to ratify the statutes of his Anglo-Saxon predecessors, ordered twelve "noble and sage men" to be chosen in each county, who should meet in his presence, and determine by common consent, what were the real laws of the kingdom.‡ In the Magna Charta the reader has seen a provision, according to which twelve knights were to be elected in the next court of each county, to inquire into the "evil customs of sheriffs, of forests and foresters, of warrens and warreners, and of the wardens of banks and their officers." Henry III. in his seventh year (1223) ordered every sheriff to inquire by means of twelve lawful and discreet knights, what were the rights and liberties of the crown in his shire, on the day on which the war began between John and the barons:§ and in his 42d year (1258) he appointed four knights in each county to inquire into all the "excesses, transgressions, and injuries committed by judges, sheriffs, bailiffs, and all other persons, and to make their report to him in council on a certain day."|| The same

Introduction
of knights of
the shire.

* Thus, when king John before the grant of Magna Charta sent only a general summons to his barons, knights, and all his liege men from Rochelle, he excused the informality of the writ, by alleging the necessity of expedition. *Unicuique vestrum si fieri posset literas nostras super hoc transmississemus, sed ut negotium cum majore expediretur festinatione has literas, &c.* Pat. 15 Johan. Brad. i. 40.

† Mag. Chart. c. 14.

§ Brad. ii. App. No. 149.

‡ Hoved. 343.

|| Ibid. No. 196.

may be observed with respect to the collection of taxes. In the most ancient instance on record, in the year 1206, the subsidy was collected under the inspection of the itinerant judges: but the method was accompanied with inconvenience and delay: and in 1220 we find writs to the sheriff, appointing him the collector in conjunction with two knights to be chosen in a full court of the county with the consent of all the suitors.* I am aware that such knights were not members of parliament, but I have mentioned these instances to show that the election of knights of the shire to transact the business of the county, was a custom of ancient standing. They collected the taxes: and made to the king the report of their grievances. When, however, they had advanced thus far, it required but an additional step to introduce them into the great council as the representatives of their electors, vested with the power of granting money, and of petitioning for redress; almost the only functions which for a long period after its establishment the house of commons ventured to exercise. In confirmation of this theory it may be observed, that the knights of the shire, when they became regular members of parliament, received the same remuneration, which had been assigned to them on former occasions. Anciently as soon as they had made their report to the king,† afterwards at the conclusion of the session, they obtained writs, directing the sheriffs to defray by a rate to be levied on the county their expenses for so many days “in going, staying, and returning.” The peers attended in their own right, and of course paid their own costs: but the knights were only the deputies of others, and therefore required compensation from those whose business they undertook to transact.

The most ancient writ, summoning the representatives of the counties to parliament is dated in the 15th year of John, 1213. It may be divided into three parts. In the first the knights who had already been warned, were ordered to meet the king in arms at Oxford on a certain day. This was a summons to perform military service. The second part alluded to some occurrence not mentioned by historians, and directed the sheriff to bring up the bodies of the barons without arms, probably prisoners in his custody for trial. In the third it is ordered that four discreet knights of the county should be sent to Oxford to treat with the king concerning the affairs of the kingdom.‡

In the
reign of
king John.

* Ibid. No. 83. and tom. i. App. p. 41.

† Brad. ii. App. 197, 198.

‡ *Præcipimus tibi quod omnes milites ballivæ tuæ qui summoniti fuerunt esse apud Oxoniam ad nos a die omnium sanctorum in quindecim dies,*

There can be little doubt that this last was a summons to parliament, as it is conceived in the same words as such writs of a later date. On the face of the writ, indeed, it does not appear whether the knights were to be chosen by the county, or appointed by the sheriff. But this ambiguity is done away in that which follows. In 1254 Henry III. was in Gascony: and by his directions queen Eleanor, and the earl of Cornwall, the regents, summoned all persons holding land of the crown in chief, to the amount of twenty pounds per annum, to assemble at Portsmouth on an appointed day, and sail to the assistance of the king: and then ordered that, "besides these, two lawful and discreet knights should be chosen by the men of every county in the place of all and each of them, to assemble at Westminster, and to determine with the knights of the other counties, what aid they would grant to their sovereign in his present necessity, so that the same knights might be able to answer in the matter of the said aid for their respective counties."* This writ embraces two objects. From the greater vassals of the crown it requires military service: from the other inhabitants of each county it demands pecuniary aid; and for that purpose prescribes the election of representatives, whose determination should be binding on their constituents. Whether the barons were summoned to assemble at the same place with the knights of the shires, is uncertain, but immaterial. For in that age the different orders voted their own money separately, and without the interference of each other. The next instance (which has been mentioned in the preceding pages) occurred seven years later. Leicester had summoned a parliament at St. Alban's, "to which each county was ordered to send three knights, that they might treat of the common concerns of the kingdom." But in the interval, a temporary reconciliation took place between him and Henry, and it was agreed that the king should hold the parliament on the same day at Windsor, and should issue new writs ordering the attendance of the same knights.

venire facias cum armis suis: corpora vero baronum sine armis singulariter; et quatuor discretos milites de comitatu tuo illuc venire facias ad eundem terminum ad loquendum nobiscum de negotiis regni nostri. XI. die Nov. Apud. Seld. 783.

* *Præter omnes prædictos venire facias coram concilio nostro quatuor legales et discretos milites de comitatibus prædictis (Bedford and Bucks), quos iidem comitatus ad hoc elegerint—vice omnium et singulorum eorundem, viz.: duos de uno comitatu et duos de alio, ad providendum una cum militibus aliorum comitatum quale auxilium nobis in tanta necessitate impendere voluerunt. . . . Ita quod præfati quatuor milites præfato concilio nostro ad prædictum terminum respondere possint super prædicto auxilio pro singulis comitatibus prædictis. 2 Pryne, p. 23. Brady, i. 212.*

They were called to treat on the same subjects, and to convince themselves that the king intended nothing which was not for the honour and common advantage of the realm.²¹⁴ This appears to me to have been a real parliament, and was followed by the celebrated assembly of 1265.

Their qualifications.

But in this stage of the inquiry a question occurs, which, if we judge only from the reasoning that has been expended upon it, must be of very difficult solution. Were the knights of the shire the representatives of the tenants of the crown only, or of the whole body of freeholders? Many distinguished antiquaries have maintained that to ease the lesser barons from the burden of personal attendance, they were permitted to send their representatives; and thence have inferred that the other landholders of the county were totally excluded from all share in the election. But when we consider the language of the ancient writs, this theory will appear extremely improbable. Some ambiguity might perhaps arise from the expression of free tenants, which was occasionally used to designate both the tenants of the crown by military service, and all other tenants by free service.[†] But can we believe that, if the exclusion did actually exist, it would never have been alluded to? The writs themselves seem to prescribe the opposite practice. They never mention the tenants in chief. They require no other qualification in the candidate, than that he should be a lawful and discreet knight, nor in the electors than that they should be suitors of the county. They ordain that the election should be made in a full court, which, we know, comprehended all the free tenants without distinction,[‡] and vest the persons elected with the power of binding by their votes not merely the tenants of the crown but all individuals owing suit to the county. In absence then of all authority to the contrary, it cannot be thought rash to assert, that the election belonged formerly, as it did in after ages, to the freeholders at large,

* Brady, ii. No. 203.

† The distinction between them was accurately made by Fitz-Peter the justiciary. He orders the earls and barons to collect the fortieth for the crusade from their tenants—from their military tenants a full fortieth, *per servitium militare tenentes*—from their free tenants a fortieth after the deduction of their rent; *si fuerint libere tenentes*—and then calls it a collection from the earls, barons, knights, and free tenants. Hoved. 471. Where it appears that by the word *milites*, he meant military tenants, by *libere tenentes*, all others holding by free service.

‡ Thus the great charter was to be published in a full court, and we are told that the full court consisted of the barons, knights, and all the freeholders of the same county (Brad. ii. App. No. 145) exactly in the words of Fitz-Peter. *In pleno comitatu tuo convocatis baronibus, militibus, et omnibus libere tenentibus.*

whether they held of the king, or of a mesne lord, or by military, or any other free service.

3. But if we occasionally discover the knights of the shire among the members of the great councils, we have no sufficient reason to believe that they were accompanied by the deputies of the cities and boroughs. Among the writs which were issued during the reigns of John and his son, and of which many have been preserved, there exists no vestige of a summons directing the return of citizens and burgesses more ancient than the administration of Leicester. We may safely pronounce it an innovation: but an innovation which the course of events must otherwise have introduced within a few years. During the lapse of two centuries the cities and boroughs had silently grown out of their original insignificance, and had begun to command attention from their constant increase in wealth and population. Taking advantage of the poverty of their lords, the inhabitants had successively purchased for themselves the most valuable privileges. In lieu of individual services they now paid a common rent: their guilds were incorporated by charter: they had acquired the right of holding fairs, of demanding tolls, of choosing their chief magistrates, and of enacting their own laws. They were able to supply both men and money: and it became the obvious policy of the crown to attach them to its interests, by lightening their burdens, and attending to their petitions. Formerly, whenever the king obtained an aid from his tenants in chiefs, he imposed a tallage on his boroughs, which was levied at discretion by a capitation tax on personal property.* Though the inhabitants did not dispute this right of the crown, they bore with impatience the grievances, which on such occasions they experienced from the despotism of the royal officers: and frequently offered in place of the tallage a considerable sum, under the name of a gift; which, if it were accepted, was assessed and paid by their own magistrates.† This was in reality to indulge them with the

Representatives of cities and boroughs.

* Thus Henry III., in his 21st year, obtained a thirtieth from the tenants of the crown and the freeholders of the counties (Brady, ii. App. No. 159): and at the same time exacted a tallage from the cities, boroughs, and demesne lands of the crown. *Sicut civitates, burgos, et dominica nostra talliari fecimus.* Brad. i. 95.

† This distinction was made as early as the reign of Henry II. *Plurimum interest si donum vel auxilium civitatis per singula capita commorantium in ea a justiciariis constituatur: vel si cives summam aliquam quæ principe digna videatur justiciariis offerant, et ab eis suscipiatur.* Apud Brad. i. 178. Thus when Henry III. in his 39th year demanded a tallage of 3000

liberty of taxing themselves: and when the innovation had been once introduced, it was obviously more convenient in itself, and more consistent with the national customs, that the new privilege should be exercised by deputies assembled together, instead of being intrusted to the discordant judgment of so many separate communities. This did not escape the discernment of Leicester: and if the improvement was abandoned after his fall,* (probably on account of the disgrace attached to his memory) its utility was appreciated by the succeeding monarch, who before the close of his reign regularly called to parliament the representatives of the cities and boroughs as well as those of the counties.

4. From the multitude of abbots and priors summoned by Leicester in 1264, some writers have inferred that he wished to secure a majority among the members by the introduction of his partisans from the monastic orders.† The truth is, that there was nothing unusual in the number. Originally indeed the obligation of attending at the great councils was confined to those ecclesiastics, who held their lands by barony:‡ but *they* formed only a small portion of the regular and secular clergy, while the rest, though inferior in wealth and dignity, enjoyed the advantage of possessing their incomes free from the exactions to which the feudal tenants were subject. It was not, however, long before the rapacity of the crown invaded this valuable immunity. At first attempts were made to extend the aids granted by the bishops for themselves, to all the clergy of their respective dioceses: but these were effectually resisted, probably on the ground that the prelates had no authority to dispose of the property

marks of the citizens of London, they offered a gift of 2000, maintaining at the same time that they were not subject to tallage. But it was proved from the records in the chancery and the exchequer that they had been talliated in the years 1214, 1223, 1242, 1245, 1249, 1253: and the next day they thought proper to submit. See the original writ in Brady, i. 178.

* According to Hody (Hist. of Convocations, p. 369) the burgesses attended at the parliament of 1269. He depends on the authority of Wikes, who indeed tells us that Henry summoned the most powerful men from the cities and boroughs to attend at the translation of the body of Edward the Confessor: as formerly on his return from France in 1243, he had summoned four deputies from each city and borough to meet him on the road in their best clothes and on valuable horses (Paris, 534). But this was merely to do him honour on a particular occasion. Wikes then adds, that when the ceremony of the translation was over, a parliament was held by the *nobles*, an expression which seems to exclude the citizens and burgesses. Wikes, 88, 89.

† Brady, i. 139. Henry, viii. 94.

‡ Leg. Sax. 324.

of others.* John, in the year 1206, surmounted the difficulty. He called all the abbots and priors to parliament, and obtained from them the vote of a thirteenth: and then wrote to the archdeacons and clergy of each diocese, exhorting them to imitate so laudable an example, and to let him know by a certain day the amount of the aid which each individual was willing to grant.† His son trod in the footsteps of the father: at one time he commissioned the bishops to collect a voluntary contribution from the clergy:‡ at another he ordered the sheriffs to summon to parliament the abbots and priors “who did not hold of the crown,” in order to grant him a subsidy:§ at last it became customary to issue writs, not only to them, but also to the deans, and archdeacons, and to order the latter to come furnished with letters of procuration from the collegiate bodies, and those portions of the inferior clergy over which they presided.|| The exactions of Innocent IV. suggested a new practice. The grants to that pontiff had been voted in convocation: and Edward I. conceived that the wants of the crown might be relieved in the same manner. During the whole of his reign we find him demanding aids of the clergy, sometimes in parliament, sometimes in convocation. In the first case all the minor dignitaries of the church were summoned to attend personally: while the parochial clergy of each diocese, like the freeholders of each county, sent representatives.¶ In the second the king notified his wish to the archbishop; who immediately convoked the clergy of his province to take into consideration the message which they should receive from the king.** Of the two

* See an instance in the annals of Waverley, p. 169.

† See the original writ, dated at York, May 26, ann. viii. in Hody, 270.

‡ Dunst. 98. 268.

§ Abbates et priores de comitatu qui non tenent de rege in capite. Cl. 19 Hen. III. apud Hody, 313.

|| In 1254, Henry III. requested each bishop to call before him the chapter, archdeacons, monks, and clergy of his diocese, induce them to grant an aid, and order them to send deputies to inform him of their proceedings in the next parliament. Cl. 38 Henry III. apud Hody, 340. See also Anal. Burton, 355—357.

¶ Decanos ecclesiarum cathedralium et archidiaconos in propriis personis, clerumque uniuscujusque diocesis per duos procuratores. Knyght. 2501.

** Thus archbishop Peckham calls a convocation of the bishops, abbots, priors, superiors of religious houses, exempt and not exempt, deans of cathedral and collegiate churches, and the archdeacons, to appear before him super his, quæ ex parte domini regis in congregatione prædicta exposita fuerint, tractaturi: and moreover orders two procurators to be chosen by the clergy of each diocese, and one by each chapter of collegiate churches, with full powers to treat on the same subjects. Ex. Reg. Peckham apud Hody, 138.

methods the clergy preferred the latter: attendance in parliament they deemed a burden rather than an honour: and in convocation they enjoyed greater freedom of debate, uninfluenced by the presence or the menaces of others. Gradually the crown condescended to their wishes. Provided they granted their money, it was of little consequence whether they met in convocation or parliament: and though to maintain his right, the king was careful to include in the summons to the bishop the usual clause respecting the clergy of his diocese, it was mutually understood to be a mere matter of form, and not meant to be carried into execution.

Decision
respecting
the ques-
tion of
bastardy.

II. The reader has witnessed the repeated attempts of the legislature to enforce the execution of the great charter. Its provisions now became the chief object of the people in every struggle with the crown: and each succeeding confirmation, though a proof of the impunity with which the former had been evaded or broken, yet added something to its subsequent stability. As new cases arose, additional enactments were made. In a great council at Merton in 1235 the rights of widows were more accurately defined: remedies were provided against the artifices by which lords had been deprived of the wardships of heirs, and against the injuries which wards might suffer from the rapacity of their guardians; and with a due attention to the interests of the lord and his tenants, the former was empowered to cultivate the waste land on his estate, but at the same time forbidden to enroach on the common pasturage necessary for the accommodation of the latter.* In this assembly was also decided the great question of the bastardy of children born before the marriage of their parents. By the custom of England they were deprived of all title to the inheritance: by the civil and canon laws they were equally legitimate with the children born in matrimony. Hence as the cognizance of bastardy belonged to the spiritual courts, which followed the latter, and the right of inheritance was determined by the secular courts, which followed the former opinion, the two judicatures were frequently brought into collision: and the bishops requested that the king's writs should no longer direct them to inquire specially whether the individual in question were born before or after marriage, but generally whether he were legitimate or not. They objected to the practice of the other courts: 1. That it was contrary to the Roman and canon law; 2. That it was unjust; because it deprived of the right of inheritance the issue of clandestine

* St. 23 Hen. III.

marriages, though such marriages were not annulled by any law; and 3. That it was inconsistent with itself; because, while it bastardized the child born, it legitimated the child that was only conceived, before marriage, though in both cases the moral guilt of the parents was exactly the same. But their arguments were fruitless.* The earls and barons unanimously returned the answer, which has been so often repeated and applauded: "We will not change the old and approved laws of England."†

But if the clergy failed in this instance, they had previously succeeded in procuring the abolition of a very ancient but indefensible custom. Though the trial by ordeal was consecrated with religious ceremonies, the popes had always condemned it as an unwarranted appeal to the judgment of the Almighty: and by Gratian the condemnation had been inserted in the canon law. On this account, it was abolished, probably by the influence of Gualo, in the beginning of the king's reign: but to devise a new form of trial, which might be substituted in its stead, perplexed and confounded the wisdom both of the judges and of the government. The itinerant justices received orders in Henry's third year to divide the prisoners who would otherwise have been subjected to the ordeal, into three classes. When the presumption against the accused was strong, and his character notoriously bad, he was to be remanded to prison and kept in close custody till his fate should be determined by the council: a few shades of difference in the malice of the offence, or a greater degree of uncertainty as to his guilt, or a more favourable character, placed him in the second class of those who were compelled to abjure the realm: if he had been committed for a minor transgression only, or for some breach of the king's peace, he was to be set at liberty on giving security for his good behaviour.‡ What subsequent measures were adopted, we are not told: but there can be little doubt that the abolition of the trial by ordeal contributed greatly to establish that invaluable institution, the trial by jury.

Abolition
of the or-
deal.

* See a letter from the celebrated Grosseteste, bishop of Lincoln, to sir William Raleigh, one of the judges, apud Brown, App. ad Fascic. Rer. p. 316. From it we learn that during the performance of the marriage ceremony, the illegitimate children were placed by the side of their parents, and under the same canopy, to show that they partook of the benefits arising from a legitimate marriage.

† *Nolunt leges Angliæ mutare, quæ usitatæ sunt et approbatæ.* St. 23 Hen. III. c. 9.

‡ Selden, Spicil. 204.

System of
police.

III. In his thirty-sixth year Henry published regulations for the preservation of the peace, which deserve the notice of the inquisitive reader.

1. He renewed and improved the assize of arms, which had been introduced by his grandfather. The different classes were modelled anew: and every man between the ages of fifteen and sixty was ranked according to his annual income arising from land or moveables, from the amount of forty shillings to that of fifteen pounds. 2. All these were sworn to provide themselves with the arms proper to their class, and were ordered to join, whenever they should be required, the hue and cry in the pursuit of offenders. For this purpose they were placed under the command of their respective officers; in the cities and boroughs under the mayor and bailiffs, and in the villages under the constable or constables of the township, all of whom obeyed the authority of the chief constable of the hundred. 3. Watch was ordered to be kept from sunset to sunrise during the nights between the feast of the Ascension and that of St. Michael: in the villages by four or six stout and good men armed with bows and arrows and other light weapons; in the boroughs by a company of twelve, and in the cities by companies of six stationed at every gate. If any stranger attempted to enter or depart after the watch was set, he was instantly arrested, and confined for examination till the following morning: nor could a traveller, who arrived by daylight, remain longer than two days in any village or township, unless it were during the time of harvest, or his host would become surety for his conduct. For the greater security of the merchant who was on his road, the mayor and bailiff were bound to furnish him, on requisition, with a guard: and if he numbered his money in their presence, and were afterwards robbed, he could recover the amount of his loss from the inhabitants, who were judged guilty of a breach of their duty to the king by neglecting to pursue the measures necessary to preserve his peace in their neighbourhood.*

Account of
Stephen
Langton.

IV. The church of England during this period was adorned by the virtues and abilities of several among its prelates, three of whom may justly claim the attention of the reader. 1. He is already acquainted with the character of cardinal Langton, his zeal in the cause of freedom, his suspension from the archiepiscopal office, and his compulsory visit to the court of Rome.

* Apud Paris, 1145, et pone adversaria.

As soon as Henry was firmly fixed on the throne, Langton received permission to resume the government of his diocese. From that period he chiefly confined his attention to ecclesiastical concerns: and the fruit of his labours was a code of discipline of forty-two canons, which he published in a synod at Oxford.* But he still continued to behold the two charters with the attachment of a parent: and at the call of the barons, readily placed himself again at their head to demand from Henry the confirmation of their liberties. He died in 1228. His writings have perished: he is said to have divided the Bible into chapters, an improvement which was universally adopted, and is still retained.

1218.

1222.

1223.

1228.
July 9.

2. The second of the successors of Langton was Dr. Edmund Rich, a prelate universally acknowledged to be equal in learning, superior in piety, to most men of the age. He studied and taught in the university of Paris; returned to England to deliver lectures at Oxford; and was made prebendary and treasurer of the church of Sarum. His next preferment was to the highest dignity in the English church, the archiepiscopal see of Canterbury. It was with unfeigned reluctance that he accepted it. He felt that the timidity of his conscience would not suffer him to acquiesce in the disorders of the age, and that the gentleness of his temper had not fitted him for the stern occupation of a reformer. Experience justified his apprehensions: many disapproved of his zeal; and the monks of his own church, the ministers of the crown, and the pontiffs themselves, often opposed, occasionally defeated, his well-meant endeavours. For several years he struggled against these difficulties: at length he sank under them. Fearing that he might appear to approve by his presence the abuses which he could not remedy by his authority, he voluntarily exiled himself from England, chose for his residence the monastery of Pontigni in France, and died the following year at Soissy, where he had removed for the benefit of the air.

Of arch-
bishop Ed-
mund.1234.
April 2.1240.
Nov. 16.

Even his adversaries acknowledged the innocence of his

* In this synod a clergyman in deacon's orders was convicted of apostacy, delivered to the secular power, and condemned to be burnt. He had suffered himself to be circumcised, that he might marry a Jewish woman. This is, I believe, the first instance of capital punishment in England on the ground of religion: but it occurred long before the statute de hæretico comburendo. Wikes, 39. Waverley, 187.

life, and the uprightness of his motives: and within six years after his death, he was canonized by Innocent IV. with the unanimous approbation of the bishops of England and France.*

Of Robert
Grosseteste.

3. The third prelate whom I shall mention is one to whose history considerable interest has been attached by the partiality of modern writers. Robert Grosseteste was indebted for his education to the charity of the mayor of Lincoln: and by his proficiency amply repaid the discernment of his benefactor. He taught at Oxford with unbounded applause: in the catalogue of his works we discover treatises on almost every branch of science: and he was pronounced by friar Bacon (a competent judge for the age) perfect in divine and human knowledge.† From a prebendal stall he was promoted to the episcopal throne in the church of Lincoln: and an extensive diocese offered him a fair field for the display of his abilities, and the exertions of his zeal. With the same views as his metropolitan he brought to the contest a very different character; a resolution of mind which no difficulty could daunt, no defeat could subdue. When that amiable prelate advised him to desist from an impracticable attempt, and wait in patience for more favourable times, he replied that he should do his duty, and leave the consequences to heaven. He had persuaded himself that every disorder in the flock might be ultimately traced to the negligence or incapacity of the pastor: and grounding his conduct on this principle, invariably refused institution to every pluralist; to clergymen employed in courts of judicature, or the collection of the revenue; to all, who from disposition or circumstances were unwilling or unable to reside on their benefices. The presentees complained; the patrons stormed; the ministers of the crown threatened: but no complaints, nor reproaches, nor threats could move the resolution of Grosseteste.‡ In the visitation of his diocese he experienced more formidable difficulties. The laity sheltered themselves from his inquiries under the protection of the civil courts: the clerical and monastic bodies pleaded ancient custom or papal exemptions: and all parties appealed to the protection of the king, and the equity of the pontiff. To break or surmount the opposition which had been formed against him, cost the bishop much anxiety and

* Paris, 476. 486. 627.

† Ang. Sax. ii. 344, 345.

‡ Gross. ep. 11. 53. 108, 124, 125. 128. Par. 507. Dunst. 252.

expense; several harassing law suits, and two journeys to the papal court. By Innocent IV. he was not only treated with respect, but the principal of his demands were granted; and those powers were delegated to him which appeared necessary for the reformation of his diocese.* His chapter was brought to acknowledge not only a nominal, but an effective jurisdiction in their bishop. He visited the convents and monasteries, deposed negligent or inefficient superiors, and enforced the observation of the monastic rules† with an exactitude, which earned for him the honour of being reviled by the historian of St. Alban's.‡

1245, and
1250.

In his transactions with the court of Rome Grosseteste exhibited an equal inflexibility of character. No man, indeed, ever professed a more profound veneration for the successors of St. Peter, or entertained more exalted notions of their prerogatives. From his works it appears that he gave to their decretals the force of law in all christian nations: that he maintained as the cause of God every immunity which they had conferred on the clergy; and that he inculcated with unusual vehemence the doctrine of what has since been termed the *indirect* superiority of the spiritual over the temporal power.¶ Yet, with these sentiments as to the nature, he would often dispute the exercise, of their authority. Neither pope nor legate could prevail on him to give institution to foreign clergymen, presented to benefices in his diocese.‡ When the nuncio sent him a provision, by which Frederic of Louvain, the nephew of Innocent IV., was promoted to a prebend in the church of Lincoln, Grosseteste replied in language singularly energetic, that the provision was contrary to the

* At his second visit to Lyons, Grosseteste presented a memorial on the evils of the church, which proves how little he was disposed to flatter, even when he solicited a favour. It may be divided into three parts. In the first he describes the evil of bad pastors, which he refers ultimately to the papal court, because it might prevent it, if it chose, and because it encouraged it by provisions and impropriations: in the second he enumerates the obstacles opposed to the zeal of the bishops by exemptions, appeals, secular judges, the ingenuity of lawyers, and the hostility of ministers: in the third he paints the abuses to be remedied in the papal court itself, the irregular conduct of the lower class of servants, the venality of the judges, and the immoderate use of the clause *non obstante*. To the honour of Innocent he ordered this memorial to be read in the consistory of the cardinals, and gave the bishop repeated proofs of his esteem. See Brown, *Fascicul.* ii. 250. Gross. ep. 113, 114.

† Gross. ep. 77. 80, 81. 90. 95. 121. Paris, 603. 704. 713. Burt. 317. 323. Duns. 230. 236, 237. 284.

‡ Paris, 713.

¶ Gross. ep. 23. 35. 111. Cui non obedire quasi peccatum est ariolandi, et quasi scelus idolatriæ non adquiescere. Ep. 119.

¶ Id. ep. 49. 52. 74.

good of the church and the welfare of souls: that he would not consider it as emanating from the pontiff: and that he should never deem it his duty to carry it into execution.* This answer, bold as it may appear, was only a repetition of the doctrine which he had formerly maintained in the presence of Innocent himself:† and so far was it from exciting passion or resentment in the breast of that pontiff, that, as soon as he received it from his agent, he wrote a letter in exculpation of his conduct, and proposed that remedy for the abuse of provisions, which has been already described in these pages.‡

1220. The principal advisers of Grosseteste were selected from the two new orders lately introduced into England, of friars preachers introduced by St. Dominic, and of friars minors established by St. Francis. Both were designed by their founders to aid the parochial clergy in the discharge of their functions: and they performed that duty with the zeal which always invigorates the infancy of religious institutes. Their diet was abstemious, their clothing coarse and scanty: by the practice as well as the profession of poverty they excluded the suspicion of self-interests: and the people readily listened to the instruction of men, who could be actuated by no other motive than that of their spiritual welfare. From each of these orders Grosseteste called the most distinguished to his council: he was accompanied by them in his visitations: he ordered them to preach in his presence, and applauded and stimulated their exertions.§

1253. Thus he spent eight-and-twenty years in the administration and improvement of his diocese.
Oct. 14. His death was lamented as a public loss: his virtues were embalmed in the recollection of posterity.||

Of Henry's children the greater part died in their child-

* Id. ep. 128.

† Sicut Christo in omnibus est obediendum, sic et presidentibus huic sedi sacratissimæ, in quantum vere presidentibus, in omnibus est obtemperandum: sin autem quis eorum, quod absit, quicquam præcipiat Christo præceptis et voluntati contrarium, obtemperans ei in hujusmodi manifeste se separat a Christo. Serm. Rob. Linc. apud Brown, ii. 254.

‡ See p. 19. The contemporary annalist of Burton assures us that Innocent's letter was occasioned by the reply of Grosseteste to his agent (Burt. 326—330); a sufficient refutation of the ridiculous tales which are told us by Paris, 750. 752. 755.

§ Gross. ep. 40, 41. 114.

|| The story that he died under a sentence of suspension or excommunication rests on very questionable authority. It probably arose from the comminatory denunciations of the provision, which he had rejected.

hood. Two sons and two daughters survived him. Edward the eldest had married Eleanor the daughter of Ferdinand king of Castile, and enjoyed, during the life of his father, a yearly income of fifteen thousand marks. Edmund had obtained, by the forfeiture of the Montforts, the numerous estates with the honours of that family, and thus laid the foundation of that power, which enabled his descendants of the house of Lancaster to wrest the sceptre from the hands of Richard II., and retain it to the prejudice of the rightful heir. The daughters were Margaret queen of Scotland, and Beatrix dutchess of Bretagne.

CHAP. III.

EDWARD I.

CONTEMPORARY PRINCES.

<i>Emp. of Ger.</i>	<i>K. of Scotland.</i>	<i>Kings of France.</i>	<i>Kings of Spain.</i>	<i>Popes.</i>
Rodolph 1291	Alexander III. 1286	Philip III. 1285	Alphonso X. 1284	Gregory X. 1276
Adolphus 1298	Margaret 1290	Philip IV.	Sancho IV. 1295	Innocent V. 1276
Albert.	Interregnum 1292		Ferdinand IV.	Adrian V. 1276
	Baliol 1296			John XXI. 1277
	Interregnum 1306			Nicholas III. 1280
	Robert I.			Martin IV. 1285
				Honorius IV. 1287
				Nicholas IV. 1302
				Celestin V. 1294
				Boniface VIII. 1303
				Benedict XI. 1304
				Clement V.

EDWARD RETURNS FROM PALESTINE—CONQUERS WALES—CLAIMS THE SUPERIORITY OF SCOTLAND—RECEIVES THE ABDICATION OF BALIOL—IS OPPOSED BY WALLACE—CONQUERS SCOTLAND—COMMONS IN PARLIAMENT—ROYAL EXACTIONS—OPPOSITION OF CLERGY AND BARONS—AIDS TO BE LEVIED ONLY WITH CONSENT OF PARLIAMENT—IMPROVEMENT IN THE LAWS—PERSECUTION OF THE JEWS—BRUCE CLAIMS THE CROWN OF SCOTLAND—EDWARD MARCHES TO CARLISLE—AND DIES.

Edward
sails to the
holy land.
1271.

April 20.

If Edward had been disposed to obey the will of his father, he might have revisited England without dishonour, when the army broke up on the coast of Africa, and the principal leaders returned to their respective dominions. But curiosity and devotion silenced the suggestions of duty and interest: he sailed from Trapano; landed at Acre; viewed from the walls the tents of the Saracens; and mourned over the last relics of the empire founded by the first crusaders. His followers did not amount to one thousand men: but there was a magic in the name of a prince, whose blood was

derived from the same source with that of the "lion-hearted Richard;" and both christians and infidels expected that he would equal the fame of that hero. Bondocar the sultan of Babylon, who had already prepared to assault the city, retired immediately across the desert into Egypt: and Abagha, the Tartar khan of Persia, proposed to him an offensive alliance against the common enemy of the Moguls and christians. But with every exertion he could never collect more than seven thousand men under his standard, a force too inconsiderable to venture far from the coast: and though he remained eighteen months at Acre, an expedition to Nazareth, the capture of two small castles, and the surprise of a caravan, comprehend the whole history of his military labours. Instead of the laurels of a conqueror, accident invested him with the glory of a martyr. The emir of Joppa, by the instructions of Bondocar, and under the pretence of embracing christianity, had succeeded in obtaining the confidence of the prince: and frequent letters accompanied with presents concealed and facilitated the design which he had formed.* On the Friday in Whitsun week, his messenger, whose repeated arrivals had relaxed the vigilance of the guards, was incautiously permitted to enter the apartment, in which Edward, clad in a loose mantle, was reposing on his couch during the heat of the day.† The infidel seized the opportunity to aim a desperate blow at the heart of the prince, who received it on his arm, grappled with the assassin, and throwing him on the ground, despatched him with his own weapon. Still, however, the danger was great: the dagger had been dipped in poison: the wound assumed an alarming appearance, and Edward, aware of the probable consequences, hastened to prepare and sign his will. Fortunately every dangerous symptom was removed by the skill of an English surgeon, who pared away the sides of the wound: and in the course of three weeks, by the attentions of an affectionate wife, and the aid of a vigorous constitution, he was restored to perfect health. The adventure was of itself romantic enough: but a Spanish historian has contrived to add to its interest, by attributing his cure to the piety of Eleanor, who, with imminent hazard to her own life, is said to have sucked the poison from the wound of her husband.‡

Sep. 4.

Is wounded
by an assassin.

1272.

June 17.

June 18.

* The monk of Melrose received this account from a knight, one of the crusaders (241); and it is confirmed by William of Tripoli, who then resided at Acre. Spond. 245.

† Hora vespertina—about three in the afternoon. Heming. 590.

‡ Heming 590. West, 401. Sanut. 126.

Returns to Europe.
 Oct. 3. The conclusion of a truce with the sultan for ten years gave a long respite to the christians of Acre, and allowed the prince an opportunity of returning to Europe with honour. At Trapano he received an invitation to Rome from Gregory X. That pontiff, with the more humble title of archdeacon of Liege, had accompanied Edward in his expedition to Palestine: but the fame of his virtue and learning had induced the cardinals at Viterbo to recall him from Acre to fill the chair of St. Peter; and the new pontiff was eager to display his gratitude to the prince, with whose friendship he had formerly been honoured. As Edward travelled through Sicily and Calabria, he received the first news of his father's death: and the tears which he shed on the occasion, though they excited the surprise of Charles of Anjou, bore honourable testimony to the goodness of his heart.* He spent but two days at Rome: and proceeding to Civita Vecchia, was most affectionately received by Gregory, from whom he demanded justice against the assassins of his cousin, Henry d'Almaigne. Simon de Montfort was already dead: but Guy, and his father-in-law Aldobrandini, were cited before the pontiff. The defence or purgation of the latter was admitted: the former, conscious of his guilt, did not appear. He was convicted of sacrilege and murder, was pronounced infamous and an outlaw, and was rendered incapable of inheriting, possessing, or bequeathing property, or of filling any situation of trust, honour, or emolument in the state.†

Travels through Italy.
 April 1. Edward's journey through Italy was a triumphal procession: he was considered as the champion of christendom, the martyr of the cross: at every

* Trivet, 240.

† Rym. i. 890. ii. 4—10. Here I may be allowed to pursue the history of Guy. Soon after the sentence had been pronounced, he solicited the clemency of Gregory, and took the opportunity to meet him at a short distance from Florence. In his shirt, with a halter round his neck, and attended by several friends in the same garb, he threw himself at the feet of the pontiff, and begged that the sentence against him might be commuted for imprisonment. Gregory was moved, ordered him to be confined in a castle of the ecclesiastical states, and wrote to Edward to apologize for his lenity (Rym. ii. 17). Six years afterwards it was reported that Guy had been seen in Norway: and the king promised a valuable reward to two Norwegian barons, if they would seize and deliver him to the royal agents (Id. ii. 143). But the report was unfounded. He was at last liberated, after a confinement of eleven years, by Martin IV., and took possession of Squillace, the patrimony of his wife, in Tuscany (Wals. 51). He adhered to the house of Anjou; was taken prisoner by Doria the Arragonian admiral, in 1287, and remained in captivity till his death. James, king of Sicily, de-

city the magistrates, clergy, and people, came out to receive him: and the Milanese forced on his acceptance valuable presents of horses and scarlet cloth. At the foot of mount Cenis he was met by the count of Savoy:

May 30.

and soon after received the congratulations of a body of English knights and prelates.* He proceeded to Paris, and did homage to Philip for the lands which "he held by right of the crown of France." From Paris it was expected that he

would hasten to England: but he was called back to Guienne by the distracted state of that province, and detained there till the conclusion of the general council, which had been summoned to meet at Lyons. It was during this interval

Resides in
Guienne.

July 26.

1274.

May 1.

that he was challenged to a tournament by the count of Chalons: who, it was afterwards said, under the pretence of doing him honour, concealed a most atrocious design against his life. The pontiff by letter earnestly exhorted the king to refuse, observing to him that

May 15.

no monarch had ever condescended to tilt at a tournament; that such feats of arms had been for-

May 18.

bidden by the church, on account of the murders with which they were frequently disgraced; and that it was folly in him thus to expose himself to the swords of the assassins, who, he had reason to suspect, at that very time thirsted for his blood.†

But Edward's honour was at stake: on the appointed day he entered the lists attended by a thousand champions partly on foot, partly on

Tilts at a
tournament.

horseback: and was met by his antagonist with a retinue nearly double in number. It might be, that the English were exasperated by their suspicions, or that their opponents really entertained projects of bloodshed: but the trial of skill and strength was soon converted into a most deadly battle: Edward's archers drove their opponents out of the field, mixed among the knights, and sometimes cutting the girths of their saddles, sometimes ripping up the bowels of their horses, brought the riders to the ground, and secured them as prisoners. The count de Chalons, a most athletic man, after tilting with his spear, threw his arms round the king's neck to pull him from his seat. Edward's charger sprung

manded for his ransom 10,000 ounces of gold, a sum which he knew it was impossible for him to pay. See a letter from his wife on the subject, Rym. ii. 30. It is placed by Rymer in 1274, instead of 1289, the true date.

* Wikes, 99. West, 402.

† Rym. ii. 29, 30. These assertions of Gregory seem to countenance the suspicion of some writers, that the attempt to assassinate Edward at Acre, was in reality planned by the partisans of the house of Montfort.

forward at the same moment, and the count fell to the ground. He was replaced by his attendants: but his fall had rendered him incapable of exertion, and he demanded quarter. The king's passion induced him for a time to belabour a suppliant enemy: at length disdaining to receive his sword, he compelled him to surrender to one of the foot champions. The English gained the prize after a most dangerous and sanguinary contest.*

Treaty with
Flanders.
1274.

Edward now began to think seriously of returning to England: he even issued orders for the necessary arrangements preparatory to his coronation.† But his departure was again postponed for the discussion of a subject intimately connected with the mercantile interests of the country. Several of his predecessors had purchased the military services of the count of Flanders for annuities determinable with their lives. The contract was optional, founded on the basis of mutual convenience. But Margaret, the reigning countess, had assumed it as a right, and had demanded, before the death of the late king, the payment of a long balance of arrears, amounting to almost forty thousand marks. The claim was indignantly rejected: and the countess, regardless of the consequences either to herself or her people, seized as an indemnification all the wool of English growth in her dominions, though three fourths of it had ceased to be English property. Henry had recourse to retaliation: and by the seizure of Flemish manufactures, raised the sum of eight thousand pounds, which he divided among the sufferers in proportion to their respective losses. At the same time the king forbade the exportation of wool and wool-fells to Flanders, and invited with the offer of a premium Flemish clothiers to settle in his dominions. It was, however, discovered, that through the agency of other foreigners, the prohibited articles were easily introduced into the country: and Edward, soon after the death of his father, had forbidden, under severe penalties, the exportation of wool altogether. This measure subdued the obstinacy of Margaret. The Flemish looms remained idle: the manufacturers were reduced to poverty: the countess herself lost the most productive branch of her revenue.

June 24. She now solicited an accommodation: and Edward consented to meet her son Guy at Montreuil. A deputation of merchants from London attended to aid him with

* Heming. 592. West. 402. Trivet, 241.

† Orders were given to provide 380 head of cattle, 430 sheep, 450 pigs, 18 wild boars, 278 fitches of bacon, and 19,660 capons and fowls. Rym. ii. 21.

their advice: the conditions prescribed by the king were accepted: and Guy submitted to offer a public apology. With the Flemish lords he was introduced to Edward, who had assembled around him his court, and the principal inhabitants of the country. "Sir," said Baldwin of Avesnes, "the count of Flanders is come before you to declare his regret, that his mother, my lady the countess, should have seized the goods of your subjects. She conceived that she had a right to make that seizure: but through respect for you, and to obtain your friendship, she promises to make full reparation to the sufferers; and for the performance of this promise the count binds himself and his possessions to you, sir king of England." Edward replied that he accepted the offer which had been made with so much humility, and the more readily, because he knew, that the count was at the time in the holy land, and had always disapproved of the injurious conduct of his mother. It was agreed that the eight thousand pounds levied on the goods of the Flemish merchants, should be admitted as a part of the reparation: and the commercial intercourse between the two countries was replaced on its ancient footing.*

July 24.

Aug. 2.

From Montreuil Edward hastened to England, and was crowned at Westminster, together with his consort.† Almost two years had elapsed from the death of Henry: and yet the tranquillity of the kingdom had not been disturbed. If the survivors of the Montfort faction were disposed to rekindle the civil war, they had been overawed by the vigilance of the council, and the expected arrival of the king. Edward had now reached his thirty-sixth year. In person he was tall, but well proportioned: the length of his arm gave additional force to his stroke; and when he was once placed on his saddle, no struggle of his horse, no violence of the enemy could dislodge him from his seat. In temper he was warm and iras-

Aug. 19.
King's coronation.

* Rym. ii. 24. 32—34.

† Alexander, king of Scots, in obedience to the king's summons, attended at the coronation. It had been agreed by Richard I., that as often as the Scottish kings attended the English court in consequence of a summons to that effect, they should be received and accompanied in the same manner as their predecessors had been, by the bishop, sheriff, and barons of each county during their journey, and should be paid 5*l.* per day for their expenses on the road, and thirty shillings per day as long as they remained in the king's court, with 24 loaves, four sexterces of the best, and eight of inferior wine, four wax tapers, forty better, and eighty inferior candles, two pounds of pepper, and four pounds of cinnamon. Rym. i. 87. But it appears that now they received the 5*l.* for each day during the whole time, and probably purchased their own provisions. Alexander on the present occasion was paid 175*l.* Rym. ii. 42.

cible, impatient of injury, and reckless of danger: but his anger might be disarmed by submission, and his temerity seemed to be justified by success. During the late contest with the barons, he had proved the solidity of his judgment, and the resolution of his mind: and his reputation had been established among the admirers of chivalry by his prowess in battles, in tournaments, and in his expedition to Palestine.* In ambition he did not yield to any of his predecessors: but his ambition aimed at a very different object. They had exhausted their strength in attempting conquests on the continent, which might be wrested from them at any time by a fortunate neighbour: he aspired to unite in himself the sovereignty of the whole island of Great Britain. Nor was he entirely disappointed. Wales was incorporated with England: and the independence of Scotland sought an asylum in the midst of morasses, forests, and mountains. 1. The subjugation of the former, 2. and the attempt to subjugate the latter, will comprise the most interesting occurrences of his reign.

Edward
subdues the
Welsh.

1. After the death of Henry, Llewellyn, like the other vassals of the English throne, had been required to swear fealty to the new monarch. During Edward's absence the refusal of the Welshman had been overlooked: after his coronation the summons was thrice repeated, and as often eluded. It was not that Llewellyn denied the right of the king, or his own obligation: but a clause in the last treaty, which prohibited either party from harbouring the enemies of the other, furnished him with a plausible subject of complaint, and a claim of redress. When this pretext had been removed, he endeavoured to shelter himself under the probability of danger to his life from the malice of his enemies in England. Edward advanced to the borders of Wales and offered him a safe conduct: but he rose in his demands, and required conditions, the extravagance of which proved that they were asked only that they might be rejected. The truth was, that the prince aspired to the honour of asserting the independence of his country, and had resolved not to acknowledge a superior, unless he were compelled by the fortune of arms. At first the English prelates and barons interceded in his favour: his excuses and delays exhausted their patience: they pronounced him a rebel, and granted a fifteenth towards the expenses of the war.† The winter was employed by the king in tempting the fidelity of

* Heming. 1, 2. Trivet, 238.

† Rym. ii. 3, 4. 41, 42. 58. 68. 69.

the Welsh. David, whom, though a brother, Llewellyn had deprived of his patrimony, invited his countrymen to the standard of Edward: and Rees ap Meredith, the representative of the ancient princes of South Wales, gladly fought against the chief of a rival family. Edward's military tenants assembled in the counties of Shropshire and Cheshire: at Midsummer he crossed the Dee, advanced along the coast, took and fortified the two castles of Flint, and Rhuddlan, obtained possession of Anglesey, and with his fleet cut off the communication between Snowdon and the sea. Llewellyn, confined to barren mountains and forests, soon felt the privations of famine: and in a few weeks was compelled to throw himself without reserve on the mercy of his adversary. The conditions granted him were, that he should pay a fine of fifty thousand pounds, that he should cede to Edward the full possession of the four cantreds between Chester and the river Conway, should hold Anglesey in fee of the English crown by a yearly rent of one thousand marks, should do homage to the king at Rhuddlan and in London, and should deliver ten hostages for his subsequent fidelity. But these terms were prescribed only to show the superiority of the conqueror: and Edward soon yielded to the suggestions of his own generosity. He first remitted the fine of fifty thousand pounds, next the yearly rent for the isle of Anglesey, then gratuitously returned the ten hostages, and lastly, consented to the marriage of Llewellyn with Eleanor de Montfort, daughter to the late earl of Leicester, who the last year, on her passage to Wales, had been taken near Bristol, and conducted a prisoner to the king.*

1277.

Nov. 9.

Nov. 11.

1278.

Sep. 19.

Oct. 13.

Their discontent.

In the opinion of Edward the subjugation of Wales was now accomplished. He flattered himself that what he had begun by force, he had completed by kindness. The brothers Llewellyn and David were reconciled. To Llewellyn he had behaved rather with the affection of a friend than the severity of an enemy, and his letters to that prince breathed a spirit of moderation, which did honour to his heart. To David he had been a bounteous protector. He had granted him the honour of knighthood, extensive estates in both countries, and the hand of Eleanor, daughter to the earl Ferrers. But he had formed a false estimate of the Welsh character at that period. Hatred of the English had been bequeathed to the natives as a sacred legacy by their fathers through many generations: nor was there

* Rym. ii. 88—92. 97. 116. 119. 125. Hem. i. 5. Triv. 147, 148. 251.

an individual, from the prince to the peasant, who was not ready at any time to draw the sword for the independence of his country. The inhabitants of the districts which had recently been ceded to England, were the first to manifest their discontent. They beheld with grief the gradual extinction of their national usages, the distribution of the cantreds into hundreds and shires, and the introduction of English laws, and English judicatures. David, with all his obligations to Edward, appeared dissatisfied. His timber had been felled by the king's orders, to open a road through one of his forests: and some of his vassals had been executed by the justiciary for murder, though they had offered the ransom for their lives allowed by the Welsh laws. Even Llewellyn had, or pretended to have, causes of complaint against the encroachments of the royal officers. Though Edward had promised him justice, his mind was exasperated, and he lent a willing ear to the inflammatory suggestions of David. Men of irritable passions seldom weigh the consequences against the pleasure of revenge: but on the present occasion their hopes were invigorated by a foolish confidence in an ancient prediction attributed to Merlin, that when the English money should become circular, the prince of Wales should be crowned in London. Edward had lately issued a new coinage of round half-pennies and farthings, and had forbidden the penny to be any longer divided into halves and quarters. Hence it was wisely concluded that the prediction of the prophet was on the point of being accomplished.*

They rebel.

1282.

March 22.

On Palm Sunday, in the darkness of the night, and amid the howling of a storm, the faithless David surprised the strong castle of Hawarden. Roger Clifford, the justiciary, was found in his bed, was wounded, and carried a captive to the summit of Snowdun: his knights, esquires, and valets, were all put to the sword. This was the signal of a general insurrection. Llewellyn immediately joined his brother, and besieged the castles of Flint and Rhuddlan: the different chieftains assembled their families and dependants; and the Welsh poured from their mountains into the marches, laid the country waste with fire and sword, and inflicted on the inhabitants, without distinction of age or sex, every misery that the ferocity of savages could suggest.† Edward at first refused to believe the intelligence: repeated messages convinced his incredulity, and a strong force was despatched to raise the siege of the two

* Duns. 471. Wikes, 108. Waverley, 235. Triv. 273.

† Rym. 89. 96—107. Duns. 471. Waver. 410.

castles. The urgency of the case required the most energetic measures. A forced loan supplied the deficiency of the treasury;* the courts of king's bench and the exchequer were removed to Shrewsbury; and Edward unfurled the royal standard at Worcester. He reduced the castle of Hope belonging to David, and issued new orders for his military tenants, and one thousand pioneers to meet him at Rhuddlan.† The particulars of the campaign are but imperfectly recorded.

May 17.

Aug. 8.

The Welsh had added artificial to the natural defences of their mountains; the king either could not or would not attempt to force their position: and the loss of fourteen bannerets acknowledged by the English, proves that this dilatory system of warfare was as destructive as the most bloody battle. Edward reduced Anglesey: but the advantage was balanced by a severe disaster. A bridge of boats had been hastily thrown across the Menai, and a numerous force passed from the island to observe the entrenchments of the enemy. As they incautiously ascended the hill, a party of Welshmen suddenly started from a place of concealment. Their appearance and shouts intimidated the English, who fled in confusion to the beach: but the tide had divided the bridge, and the fugitives poured in such numbers into the boats that they sank, and almost the whole party was lost.‡

Nov. 6.

Death of
Llewellyn.

Dec. 6.

The archbishop of Canterbury had visited Llewellyn; and if the Welsh prince had listened to the advice of the prelate, he might have averted his own fate, and that of his country. But success had confirmed his obstinacy: he refused the terms that were offered; and trusted to the severity of the winter for the dissolution of the invading army. Edward had ordered a strong force to assemble in the vicinity of Carmarthen: and Llewellyn, leaving the defence of Snowdon to his brother, hastened to Bluit in Radnorshire. The English under Edmund Mortimer and John Giffard appeared on the left bank of the Wye. The bridge was in the possession of the natives; and a numerous force posted on a neighbouring mountain,

* The loan was raised on the corporate bodies civil and religious, and on individuals known to possess money. It was never repaid: but the lenders were exempted from the next subsidy granted by parliament. Dunst. 476, 477.

† Each pioneer was to be furnished with a strong axe or hatchet, and to receive three pence per day. Rym. ii. 207.

‡ Walsing. 51. Heming. i. 9. Dunst. 473. The bridge was so broad forty armed men could march over it abreast of each other.

awaited the orders of Llewellyn, who having descended the hill to observe the motions of the enemy, had for

Dec. 11. repose or shelter entered a barn. He was startled by a sudden shout, but was told by his esquire that it proceeded from the guard at the bridge, which had succeeded in repulsing the enemy. In a few minutes the banners of Mortimer (he had passed the river by a ford) were seen ascending the hill, and Adam Frankton, a knight, accidentally approached the barn. The prince, though without armour and on foot, did not shun the unequal combat. He received the spear of his antagonist in the side: and Frankton, heedless of the quality of the slain, hastened to rejoin the army. The Welsh expected with impatience the return of their prince: the suspicion of his death threw them into despair; and two thousand are said to have fallen by the swords of the assailants. After the battle Frankton returned to examine the individual whom he had slain. It was discovered to be Llewellyn: and on his person were found his private signet, and a mysterious list of feigned names, supposed to designate certain traitors in the English army. His head was forwarded to Edward at Rhuddlan, who commanded it to be sent to London and fixed on the Tower. To verify or ridicule the prediction of Merlin, it was encircled with a wreath of silver or ivy.*

And of David his brother.

The independence of Wales expired with Llewellyn. As soon as his death was known, the other chieftains hastened to make their submission, and were received with kindness by the policy of Edward. David alone held back. He hesitated to throw himself into the hands of the man, whom he had so cruelly offended, and resolved to trust for safety to his own fortune and ingenuity. His castle of Bere, situated in the centre of a morass, was deemed almost impregnable: but he preferred the asylum offered by the mountains and forests, and during six months eluded the vigilance and pursuit of his enemies. But no retreat could

June 21. secure him from the perfidy of his own countrymen. They hunted him from rock to rock, made him prisoner with his wife and children, and conducted him in chains to the castle of Rhuddlan. It was in vain that he solicited permission to cast himself at the feet of the conqueror. Edward had resolved not to forgive: but dared not expose his resolution to the proof of an interview. For the

* Rym. ii. 223—225. Heming. 1. 11. 12. West. 411. Wals. 50. Knyghton, 1465.

trial of the unfortunate prince a parliament was called at Shrewsbury, and the language of the summons fully disclosed the feelings and object of the king. It described the hostility and restlessness of the Welsh, their repeated infraction of treaties, their sanguinary and destructive incursions, charges which perhaps with equal truth might have been urged against their accusers: and then painted in strong colours the ingratitude of David, who, an orphan and exile, had found in the king a parent and protector, had received from him possessions and retainers, and had been raised by him to the first dignities in his court.* The Welsh prince was arraigned before the peers, eleven earls, and one hundred barons, and was unanimously adjudged “to be drawn to the gallows as a traitor to the king who had made him a knight; to be hanged as the murderer of the gentlemen taken in the castle of Hawarden; to have his bowels burnt, because he had profaned by assassination the solemnity of Christ’s passion; and to have his quarters dispersed through the country, because he had in different places compassed the death of his lord the king.” This sentence, which for centuries has been the legal sentence in cases of high treason, was literally carried into execution.† The fate of David, considered only as the champion of his country’s independence, may excite our pity: but that pity will soon be checked by the recollection of his perfidy, ingratitude, and crimes.

Sep. 30.

Pacification
of Wales.

Edward spent more than a year in Wales, or near the borders, that he might secure the permanency of his conquest. To coerce the inhabitants of Snowdon, the most intractable of the natives, he fortified the castles of Conway and Carnarvon, and distributed the lands around them among the most powerful of the English barons. But his great object was to conciliate and civilize. The stern features of an enemy subsided into the milder aspect of a legislator, who avoided whatever might unnecessarily shock the prejudices of his new subjects, offered his peace and protection to all without distinction, and allowed them to retain their lands subject to the same services, by which they had been held of their native princes. At the same time, to allure them from the roving manner of life to which they had been accustomed, he established corporate bodies of merchants in the principal towns; and to restrain

* Rym. ii. 247.

† Dunst. 475. Heming. 1. 13. The tragedy was terminated by a ridiculous dispute between the citizens of Winchester and York, for the possession of the right shoulder of the prince. It was in reality a point of precedence, and decided by the council in favour of Winchester. Waver. 258.

their habits of violence and bloodshed, introduced the jurisprudence of the English courts, divided the country into shires and hundreds, and issued new forms of writs adapted to the Welsh manners and tenures.* It might be the effect of policy, it was more probably owing to the king's stay in the country, that in the castle of Carnarvon, Eleanor was delivered of her son Edward. The natives claimed the child as their countryman: and when he was afterwards declared prince of Wales, joyfully hailed the event, as if it had proclaimed the restoration of their independence.†

Birth of the
prince of
Wales.
1284.
April 25.

The king is
mediator
between fo-
reign prin-
ces.

From the final pacification of Wales to the commencement of the troubles in Scotland, elapsed an interval of four years, one of which was spent by Edward in England in legislating for his own subjects, the rest on the continent in the difficult but honourable office of arbitrator between the kings of France, Arragon, and Sicily. Charles of Anjou had been for some years in the peaceable possession of Sicily: it was stolen from him by the cunning of Peter the king of Arragon. That prince had pretended to undertake a crusade against the infidels, and sailed to the neighbourhood of Tunis: at the instigation of those who were in the secret, the Sicilians suddenly rose and murdered every Frenchman in the five cities of the island: and the king of Arragon ascended without opposition the throne of Sicily. It was a bold and dangerous measure. Whatever might be the griefs of the natives, the blood of eight thousand fellow-creatures fixed an indelible stain on their cause, and that of their new monarch: the pope, who claimed both Sicily and Arragon as fiefs of his see, excommunicated the assassins and their protector: Charles, who still retained the south of Italy, invited to his standard adventurers from every country: and Philip of France, accepting from the pontiff the donation of Arragon for his younger son, entered Catalonia with an army of seventy thousand men. The fortune or abilities of Peter were a match for all his enemies. The papal sentence he set at nought: he

* See the *statutum Wallie*, published in the tenth volume of the *Statutes at large*, App. p. 3. From it we learn that the ancient laws of Wales bore very hard upon females. No dower was allowed to widows, nor could daughters succeed to the lands of their fathers. On the first of these heads the king introduced the custom of England; on the second he allowed the lands to be divided as formerly among the sons, but excepted bastards from the division, and determined that in failure of male issue the inheritance should descend to the females. *Ibid.* p. 11.

† *Wals.* 52. *Trivet*, 261. I know nothing of the massacre of the bards, a fiction to which we owe Gray's celebrated ode.

committed the defence of Sicily to Doria, who destroyed the French fleet, and made prisoner the prince of Salerno, the son of Charles of Anjou; and he compelled Philip, after wasting his forces among the Pyrenees, to retire precipitately into France. While the greater part of Europe was thus convulsed by the ambition of these princes, the same year consigned them all to the tranquillity of the grave. Philip III. left his crown to his son Philip IV., a youth in his seventeenth year: Peter was succeeded in Arragon by his son Alphonso, in Sicily by his son James: the prince of Salerno, the heir to the pretensions of the house of Anjou, was still a captive in the possession of the latter. The French regency invited Edward to assume the office of mediator: nor was it difficult to reconcile Philip and Alphonso, who had not inherited the irritation of their fathers. First an armistice, afterwards a peace was concluded by the good offices of the king of England. To obtain the freedom of the prince of Salerno was a more arduous task, and cost Edward several journeys, and repeated negociations. It was at last effected, but on conditions which secured to James the undisputed possession of his kingdom. Charles, however, when he had obtained his liberty, eluded every obligation, was crowned king of the two Sicilies, and sought to remove his rival by force of arms. The issue of the contest might have been doubtful: but, by the death of Alphonso, James succeeded to the throne of Arragon, and with the united power of the two kingdoms, was able to defeat all the efforts of the house of Anjou.*

While Edward was thus employed in the concerns of foreign states, the people of England complained that he neglected the interests of his own kingdom. The refusal of a supply by the parliament admonished him to return: and he soon found in the unfortunate situation of Scotland an ample field for the exercise of his policy and ambition. His sister Margaret had been dead fifteen years. She had borne her husband the king of Scotland two sons, Alexander and David, and a daughter, Margaret, married to Eric king of Norway: and Alexander consoled his widowhood with the expectation of transmitting the crown to his lineal descendants. But in 1281 David died: three years later Margaret, and within twelve months after Margaret, the young Alexander sunk into the grave. The afflicted father,

1285.

1286.

July 25.

1288.

Oct. 27.

Succession
to the
throne of
Scotland.

1289.

Aug. 12.

* See the tedious negociations on these subjects in Rymer, tom. ii. from p. 317 to 470.

at the request of his nobility, consented to take a second wife: and soon after his marriage with Jolette, the daughter of the count of Dreux, was accidentally killed by a fall

1286.
March 16.

from his horse. The crown of course devolved to his grandchild, an infant, a female, and a foreigner, Margaret, the daughter of the king of Norway, about three years of age. Before the death of Alexander she had been declared heir apparent: her right was now acknowledged by the states of the kingdom; and a council of regency was appointed to execute in her name the duties of royalty.

Eric, anxious for the interests of his daughter, solicited in her favour the protection of Edward, who, soon after his return to England, wrote to the prelates, nobles, and commonalty of Scotland, requiring

1289.
Nov. 6.

them to obey the government of the regents, and announcing that he should send a deputation from his council to inquire into the actual state of the kingdom. On the same day was signed the treaty of Salisbury, by the deputies of England, Scotland, and Norway. It was agreed that Eric should send his daughter to Britain, free from every matrimonial engagement: that Edward should deliver her in the same state to the Scots, whenever Scotland should be restored to tranquillity, and security should be given that they "would not marry her but according to the ordinance, will, and advice of the king of England, and with the assent of the king of Norway:" that all matters relating to the state and reformation of the kingdom should be referred to a council of English, Scottish, and Norwegian commissioners: and that whenever any difference of opinion arose between the latter, the decision should depend on the judgment of the English.* But the great object of Edward was to marry the young queen to his eldest son.

1290.
March 18.

The consent of her father was easily obtained: the pope granted the necessary dispensation; and the Scottish parliament was induced by the king's agents to make the first official proposal. In the treaty of marriage the liberties and independence of Scotland were secured with the most scrupulous jealousy: but an article was added, providing that none of its conditions should be explained to the prejudice of the rights previously belonging to either crown.† This prospect, however, so

* Rym. ii. 445, 446.

† The Scots were aware of the pretensions of the English kings to the feudal superiority of the crown of Scotland: and to satisfy their jealousy, it was agreed that the rights, laws, liberties, and customs of Scotland should be inviolably observed: that the kingdom should remain separate, divided, free, and without subjection; and in the event of the death of either party

flattering to the hopes, so essential to the prosperity of both kingdoms, was speedily closed. The maid of Norway (so she was called) was of too delicate a constitution to bear the fatigues of the voyage, and was compelled to land in one of the Orkneys; where she sickened and recovered, relapsed, and died. Her death was to her subjects the source of numerous calamities: and the revolutions which followed, served to convert the ancient rivalry between England and Scotland into the bitterest and most lasting animosity.*

Oct. 7.

By the demise of Margaret the posterity of the three last kings of Scotland, William, Alexander II. and Alexander III. had become extinct: and no fewer than thirteen claimants appeared, who, with one exception, founded their pretensions to the crown on their legitimate or spurious descent from the royal family. Of these one derived his right from an usurper, six from illegitimate children, and two from a sister of William the lion. Eric king of Norway, demanded to be considered as heir to his daughter the deceased queen. In disposing of these ten claims there could be little difficulty: the true heir was to be sought among the descendants of David earl of Huntingdon, the brother of king William. From Margaret the eldest of his daughters was sprung John Baliol lord of Galloway, from Isabella the second, Robert Bruce, lord of Annandale, and from Ada the third, John Hastings lord of Abergavenny. The latter, while the posterity of the other sisters was living, could only pretend to a share in the succession, if it were divisible: nor could Bruce have opposed the claim of Baliol, the descendant of the elder sister, had he not been the grand-

Thirteen competitors.

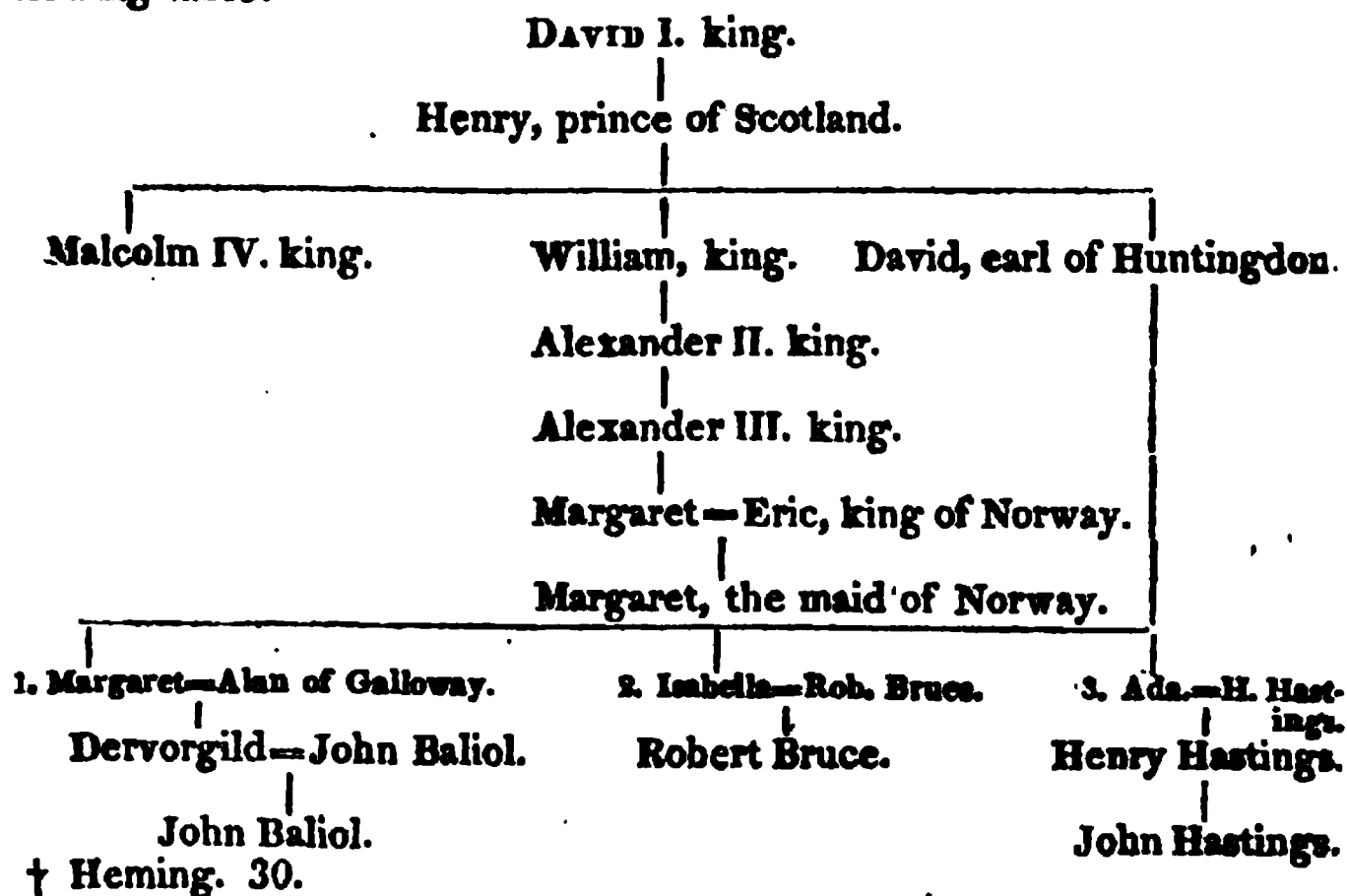
without issue, should be restored to the right heir, wholly, freely, absolutely and without any subjection. At the same time, however, Edward inserted three clauses, which "saved to him and all others the rights belonging to him or them before the date of the treaty, or which ought to belong afterwards: so that by the treaty itself nothing could either be acquired or lost by the king of England, his heirs, or any one else." Rym. ii. 482. These clauses placed the claims of the two crowns on their original footing.

* Rym. ii. 445. 471—474. 482—489. 1090. 1091.

son, while Baliol was only the great grandson of David.* The point therefore to be decided was, whether the crown belonged of right to the representative of the elder daughter, though more remote by one degree, or to the representative of the second daughter, because he was nearer by one degree. At the present day it would not bear a dispute: but in that age the law of descents was not uniformly observed, and in many cases power had as much influence as justice in determining the succession. The prospect of the evils to which Scotland was exposed from the competition of so many claimants, appalled every well-wisher to his country: and the states wisely determined to refer the controversy to the king of England, as a judge whose equity had been acknowledged by the greatest princes in Europe, and whose power was equal to the task of enforcing obedience to his decision.†

By Edward the office was willingly accepted; not, however, as an appointment emanating from the election of others, but as a right inherent in his own crown. The cognizance of the cause belonged to him, so he pretended, because he was the superior lord of Scotland, whose kings reigned as his vassals. The Scottish writers have warmly inveighed against the ambition of the prince, who thus attempted to impose on their country the chain of feudal subjection: but their invectives appear to be grounded less on sound reasoning than in national partiality. It is certain that for almost four centuries the kings

* The claims of these three competitors will be best understood from the following table:



of England had been accustomed to receive the homage and fealty of the kings of Scotland. The object, indeed, of that homage was a matter of controversy. The former claimed it for the crown of Scotland: the latter pretended to render it for lands held under the crown of England.* Both were equally obstinate: and generally, to avoid an appeal to the sword, the homage was performed and accepted with mutual reservations, which saved to each party his respective rights. When William the lion became the captive of Henry II. he was compelled to purchase his liberty by an acknowledgment, given under his seal and the seals of the Scottish prelates and barons, that he held his kingdom as a fief under the king of

* On this question, which was so fiercely debated a century ago, and has now subsided into a mere historical problem, I may be allowed to make a few observations.—1. If the reader turns back to the preceding pages (vol. i. p. 180, note—p. 186, note—p. 194, note—p. 195, note—p. 206. p. 238.) he will, I think, find sufficient reason to believe on the testimony of contemporary or almost contemporary writers, that the princes with the people of the Scots were repeatedly compelled to own themselves the vassals of the Anglo-Saxon kings, and that, too, before they held any lands of the English crown.—2. If we may believe historians, who lived at the time, and could not be ignorant of the real fact, Malcolm did homage for his crown to William the conqueror (Hist. ii. 29. note) and also to his successor, William Rufus (Ibid. 69). But when he was required to appear before William's court, he replied that the kings of Scotland were accustomed to do right to the kings of England only on the borders, and in a court composed of the barons of both realms. (Ibid. 70).—3. Under Henry I. the royal families of the two kingdoms became allied by intermarriages. David king of Scotland, was frequently in England, did homage to Henry, and assisted at different great councils as the first of the peers. Later Scottish writers maintain that he did this as earl of Huntingdon, English writers that he did it as king of Scotland.—4. During the civil wars between Stephen and Matilda he seized the three northern counties, and added them to his dominions. But his successor Malcolm was compelled to restore them to Henry II. He did homage, and accompanied his lord, the king of England, in his expedition into France. William succeeded Malcolm, and also did homage, but joining Henry's sons in their rebellion, was made prisoner. Henry extorted from him a new oath of allegiance, in which he became the vassal of the English crown against all manner of men whomsoever, according to the new forms invented by the feudal lawyers. There can be no doubt that he did homage for his kingdom (Hist. ii. 224).—5. From this last acknowledgment he purchased a release of Richard I., and thus replaced the question on its ancient footing (Ibid. 251. note). But John, Henry, and Edward, still required homage from him and his successors, as kings of Scotland: and *they*, though they did homage, yet contrived to do it in such manner as to be able to assert that they had not done it for their crown (Hist. iii. 25. 77. 118).—6. Hence the real fact in my opinion is, that the Scots, as the weaker people, were on many occasions compelled to submit to their more powerful neighbours: that their kings often did homage for their crowns, and as often took the advantage of a disputed succession, or a civil war, to reassert their independence: and that, while the kings of England on the one part constantly advanced their claim of superiority, the kings of Scotland on the other were careful to elude or deny it, as often as they durst.

England: but the poverty of Richard induced him to return this concession to that prince for the sum of ten thousand marks, and to replace the rights of each crown on their original footing.* His successors, John and Henry III. not only asserted, but if we may believe the latter, actually enforced their claim, and received homage for the Scottish crown from William, Alexander II., and Alexander III. When Edward ascended the throne, the dispute had been revived. For four years Alexander resisted: at last he offered to do homage simply and without any condition. The proposal was accepted: and the Scottish king on his knees, and in the presence of the English prelates and barons, said: "I, Alexander, king of Scotland, become the liege man of the lord Edward, king of England, against all men." "And I," replied Edward, "receive you as such, saving the claim and right which I and my successors have to the homage of you and your successors for the kingdom of Scotland, when we shall choose to require it."† To the Scots therefore the demand of Edward on the present occasion could not be new or unexpected. He asked no more than what he and his predecessors had maintained to be their right. He might perhaps have displayed more generosity, if he had waived his claim, till the throne of Scotland had a prince to support its pretensions: but he is not to be condemned of injustice, because he seized the most favourable moment for the exercise of a prerogative, which he was convinced belonged to his crown.

Scots acknowledge his superiority.

1291.
May 10.

The king, by circular letters, had announced his pretensions to the prelates, barons, and commonalty of Scotland, and summoned them to meet him at Norham on the borders of the two kingdoms. Edward took up his residence in the castle, attended by his barons of the northern counties: the Scots assembled at Upsetlington, on the opposite bank of the Tweed. On the appointed day, in the church of Norham, Brabazon, the English justiciary, addressed the states of Scotland on the part of the king, informing them that Edward was come to decide the great cause of the succession to their crown: that he wished to avail himself of their knowledge and advice: and that as a preliminary

* In the original charter, Richard requires that William nobis faciat integre et plenarie quicquid rex Scotiæ Malcolmus frater ejus antecessoribus nostris de jure fecit et de jure facere debuit. Rym. i. 64. In the copy transmitted to us by Fordun, after antecessoribus nostris are interpolated the words pro terris suis in Angliā. Ford. Scotichr. i. 501. It is certain that the homage was performed long before the Scottish kings possessed any lands in England.

† Rym. ii. 126.

he required them to acknowledge him for their feudal and direct superior. The next day was assigned for

their answer: when they requested a further delay, that they might be able to consult those prelates and barons, who had not yet arrived. The request was granted: an instrument, containing the proofs of the alleged superiority of the English kings, was delivered into their hands, and they were required to produce their objections, if they had any, on the first day of June, when Edward would be ready to do them justice.* The first of June passed, nor was any counter-plea put in on the part of the Scots: on the second

May 11.

the bishop of Bath, the chancellor, crossed the Tweed to Upsetlington, recapitulated the previous proceedings, and added, that since the king's claim had not been opposed, Edward would proceed to exercise it by hearing and determining the cause. He therefore called on Robert Bruce to say, whether he were ready to abide by the decision of the king of England as sovereign lord of Scotland. Bruce (and it is worthy of remark that Bruce was the first) replied in the affirmative. The same question was then put to the other competitors present, and from all the same answer was received. Baliol, however, did not appear. Perhaps he was unwilling to acquiesce in the degradation of the Scottish crown: perhaps he courted popularity by an effected delay.

June 2.

When on the following morning he was asked the same question, he hesitated, retired to consult his friends, and returning at last gave a full, but apparently a reluctant, assent. The assembly proceeded immediately to the church of Norham, where they were joined by Edward. The chancellor, in a set speech, asserted the king's claim, and declared his intention to do strict justice to each of the competitors: Edward repeated the same thing in nearly the same words: and the different claimants publicly signed an instrument, in which they professed themselves willing to receive judgment from the king, in virtue of his right as superior lord. It was unanimously resolved that each

June 3.

suitors should in the first instance exhibit his proofs before a council, consisting of forty Scots, named by Baliol and Comyn, of forty others selected by Bruce, and of twenty-four Englishmen, to be appointed by Edward. All the parties agreed that this council should hold its sittings at Berwick: but as they differed with

June 5.

June 6.

* The time allotted was three weeks, reckoning from the tenth of May, and consequently ending on the last day of May. Some mistakes have arisen from the supposition that it ended on the 1st of June. Rym. ii. 544.

respect to the time, the king interposed, and fixed the first session for the second of August. In the mean time, that he might be enabled to put his judgment in execution, the re-

June 13. gents and wardens of the royal castles resigned their respective charges into his hands, and all the military tenants of the Scottish crown swore fealty to him as superior lord of Scotland.*

Claims of
Baliol and
Bruce. In the beginning of the next year Edward sent his envoys, John of St. John and Roger L'Es-
trange to Rome, to obtain from Nicholas IV. a confirmation of the recognition which had been made by the competitors, that the Scottish crown was dependant on that of England. The pontiff, having consulted the cardinals, returned a civil but positive refusal.

1292.
March 1. He was anxious, he said, to comply with the royal wishes, as far as his conscience would permit him: but the superiority of Edward was a delicate and dangerous question, which might lead to many serious evils, and which involved the interests of numbers both among the clergy and laity. Neither could he approve of any measure, which might injure the rights of individuals, and in particular "that right which the Roman church itself possessed in the kingdom of Scotland".† This check did not arrest the ambition of Edward, who at the appointed time hastened to Berwick to receive the report of the council. But its members, divided

June 2. by party views or personal interests, and confounded by the number of the competitors and the multiplicity of the pleadings, had come to no determination. To abridge the proceedings, he ordered them to confine their attention in the first place to the cases of Baliol and Bruce; and when they had disposed of the claims of these, to

Oct. 14. revert to those of the other suitors. After an interval of four months the delegates appeared before the king in a parliament of both nations at the same place, and in answer to their petition for instructions, were told that the succession to the crown was regulated by the same laws as the succession to earldoms, baronies, and all other impartible tenures. Baliol and Bruce now appeared before them. The latter maintained that with regard to the inheritance of subjects, the first born might be preferred to others: but that in the succession to a kingdom, an impartible inheritance, the prerogative of primogeniture must by the law of nature yield to proximity of blood: that he was a degree nearer than Ba-

* Rym. ii. 542—580.

† Nolentes quoque aliquorum juri, et specialiter juri quod in regno ipso Romana habet ecclesia, derogari. Apud Raynald, ii. 456.

liol to David their common ancestor: that Dervorgild, Baliol's mother, who had resigned her right to her son, was indeed in the same degree with himself, but that, when the proximity of blood was equal, the male was always preferred to the female. Baliol urged on the contrary, that by the law and custom both of England and Scotland, whenever the inheritance was indivisible, it descended to all the heirs of the elder branch, before it could devolve on any one of the younger branch: and therefore, since he was sprung from Margaret the elder sister, and Bruce from Isabella the younger, his claim was preferable to that of his competitor.*

The delegates now made their report, and Edward laid it before the united parliament of the two nations. To simplify the subject, the abstract question was asked, whether the crown descended in the order of birth, or was hereditary by proximity of blood. The answer was unanimously in favour

Baliol declared king.

Nov. 6.

of primogeniture, a decision fatal to the pretensions of Bruce. Two of the competitors, Comyn and Mandeville, had never prosecuted their claims: the arguments of the remaining eight occupied the eleven following days: and on the seventeenth of November, after an inquiry which

Nov. 17.

had lasted eighteen months, judgment was given in the name of the king, by the advice and with the consent of the prelates, barons, and commonalties of both realms. By the retreat or non-appearance of the others the suitors were now reduced to three, Baliol, Bruce, and Hastings, of whom the two latter had united to demand a partition of the kingdom, on the ground that the inheritance of David ought to be divided among the descendants of his three daughters. But it was decided that the kingdom with its escheats was indivisible: and that, therefore, John of Baliol, the heir of David by his eldest daughter, should recover and have seizin of it and of all its appurtenances.† The regency was dissolved, the

Nov. 19.

royal castles were delivered to Baliol, and that prince swore fealty to Edward in these words,

He swears fealty.

“Hear you this, my lord Edward, king of England, and sovereign lord of the realm of Scotland,

Nov. 20.

that I, John of Baliol, king of Scotland, do fealty to you for the realm of Scotland, which I hold, and claim to hold of you: that I will be faithful and loyal to you, and faith and loyalty will bear you of life and limb, and worldly honour, against all men that may live and die: and loyally I will acknowledge, and loyally perform the services that are due

* Rym. 581—586.

† Id. 586—590.

to you for the aforesaid kingdom of Scotland. So help me
God and these holy gospels." Five weeks later

And does
homage.

Dec. 26.

he was summoned to do homage at Newcastle, where the ceremony was performed in the usual manner and with these words: "My lord, sir Edward king of England, sovereign lord of the realm of Scotland, I, John of Baliol, king of Scotland, become your liege man for the kingdom of Scotland and all its appurtenances and appendages, which kingdom I hold, and ought of right, and claim to hold by inheritance for myself and my heirs kings of Scotland, of you and your heirs, kings of England. And faith and loyalty I will bear to you and your heirs, kings of England, of life and limb, and earthly honour, against all men that may live and die."* Thus ended this memorable controversy, in which the king, whatever may be thought of his own pretensions, evinced the most laudable anxiety to do justice to the different competitors, and ultimately adjudged the crown to that claimant who was undoubtedly the true heir.

Baliol, to obtain a crown, had consented to wear it as a vassal. He soon felt the consequences of vassalage, and was taught by a succession of petty indignities to regret the more humble station from which he had risen. Every suitor in his courts, who was dissatisfied with the decision of the king, could appeal to the equity of his superior lord: Edward declared it to be his duty to administer justice with impartiality to the lowest as well as to the highest of his vassals: and the king of Scotland within the first year of his reign was served with no fewer than four citations to answer in the court of the king of England, and prove the legality of his judgments.† It is difficult to reconcile such proceedings with the usual policy of Edward. He could not be ignorant that the Scots bore

* Rym. ii. 590—595.

† Id. ii. 605, 606. 608. 615. With the advice of his parliament Edward resolved, that in all cases of appeal, if the king of Scots did not answer on the second summons, he should lose the cognizance of the principal cause, and be amerced at the royal pleasure: that if he were convicted of unjustly dispossessing others of their lands, he should be amerced, and the lands restored to their rightful owners, who, during their own lives, and the lives of Edward and Baliol, should hold them of the English crown: and that for false judgment or imprisonment he should be amerced, and liable to pay damages. Rat. Parl. i. 110. The very introduction of these regulations proves that hitherto appeals from the judgment of the Scottish king were unknown in the English courts. But Edward was determined to attach to his superiority all those rights, which as duke of Guienne he had been compelled to acknowledge in the crown of France.

his superiority with impatience: nor was it possible to doubt that by its frequent exercise he must add to their dissatisfaction, and provoke their resistance. We may, however, safely acquit him of the design imputed to him, of humbling Baliol by a system of studied degradation. Such appeals were now grown common, wherever the feudal jurisprudence prevailed. Edward himself, as duke of Aquitaine, had frequently been summoned to repel the charges of his vassals, or to accept of wager of battle in the court of the king of France: nor could the royal justiciaries have safely rejected the prayer of the appellants when it is made in due form of law. In every other respect the conduct of Edward to Baliol was honourable and kind. He faithfully restored to him every fortress in Scotland: he declared by a public instrument, that in the case of a minority the king of England had no right to the wardship or marriage of the heir to the Scottish crown: and on every occasion granted with cheerfulness the just claims advanced, or the favours requested by his royal vassal.

The only appeal which could give uneasiness to the new king, was brought by Macduff, the son of Malcolm earl of Fife. During the Scottish interregnum, the regents, by the command of the king of England, had heard his claim, and adjudged to him the possession of the lands of Reres and Crey. Baliol, however, by the advice of his council, and on the ground that these estates ought to remain in the hands of the king during the minority of another claimant, cast Macduff into prison, and reversed the judgment of the regents: a proceeding which was certainly injudicious, as it bore the appearance of an insult to Edward, under whose authority the former decision had been pronounced.* Macduff appealed to the equity of their common lord: and Baliol was summoned to answer his complaint in the king's court in Trinity term. The first summons he disregarded: and a second was delivered to him in the castle of Stirling by the sheriff of Northumberland, citing him to answer not only to the appeal of Macduff, but for his contempt of Edward's authority.† Here, however, it should be observed, that his personal attendance was not required: both the plaintiff and the defendant might in such cases appear, if they thought proper, by their respective attorneys.‡ But Baliol, with the view, as it seems, of objecting to the prac-

Baliol objects to them.

1293.

Aug. 2.

* Rym. ii. 590. 598. 602. 619. 635.

† Id. ii. 604. 606.

‡ Habeant attornatum secundum consuetudinem curiæ Anglicanæ, si sibi viderint expedire. Rot. Parl. i. 110.

tice of appeals altogether, attended on the appointed day, and
 Sept. 30. as soon as the complaint of Macduff had been read,* arose, disclaimed all intended contempt of his superior lord, and maintained that he was not bound to answer the appellant. The court decided against him, and Macduff prayed judgment in his own favour. Edward observed to Baliol, that he had sworn fealty, and done homage to the English crown, that he had been lawfully summoned before the court of his superior lord, and that he was bound to answer, or to show cause why he ought not. The king of Scots replied: that it was a matter which regarded the rights of his crown, and in which he did not dare to answer without the advice of the good men of his realm. When it was observed that he might have time to consult them, he replied that he would not ask either for time or adjournment. Edward now required the advice of the prelates, lords, and judges forming his council, by whom it was resolved, that Baliol had offered no defence: that the cognizance of the principal cause had devolved to the king of England: that Macduff in compensation for his imprisonment should recover damages to be taxed by the court: that the king of Scots by refusing to answer, though he had formerly submitted his right to the succession to the decision of his superior lord, had committed a manifest contempt and disobedience: and that until he made satisfaction for such contempt and disobedience, three of his castles in Scotland, with their royalties, should be sequestrated in the king's hands. But before this judgment was pronounced, Baliol addressed Edward in the following manner: "Sir, I am your liege man for the realm of Scotland: and, as the present matter concerns my subjects as well as myself, I pray you to forbear, till I consult them, that I may not be surprised for want of advice. At your next parliament after Easter, I will answer according to their counsel, and will do to you whatever I ought to do."† The request was immediately granted: nor did Edward appear to

* Macduff laid the damages for false imprisonment at 700 marks: those for contempt of Edward's authority at 10,000. Rot. Parl. i. 112.

† Rot. Parl. i. 113. Ryley, 160—165. In cases of contempt and disobedience the usual judgment was to seize the lands of the defendant, and commit him to prison at the king's pleasure. After a certain time he was allowed to obtain his liberty on the payment of an arbitrary fine. Rot. Parl. i. 70. 77. But often, before the judgment was pronounced, the defendant solicited the king's favour, and obtained either a delay, or a cessation of the proceedings against him. On such occasions he generally submitted himself to the king's pleasure without reserve (*de alto et basso*): and paid any fine that might be demanded. See the case of the archbishop of York. Rot. Parl. i. 104.

retain any resentment against him for his preceding conduct. His claim to the honours and lands of Tynedale, Penrith, and Sowerby, with the third part of the honour of Huntingdon, was allowed: and he was generously exempted from the payment of the relief due for the estates of his mother Dervorgild, which amounted to three thousand pounds. As to the cause between him and Macduff, it was never decided. Baliol obtained adjournment after adjournment, till the war ensued, which deprived him of his kingdom.

While Edward thus exercised his newly acquired superiority over his vassal the king of Scots, he was doomed to experience, as duke of Aquitaine, similar mortifications from the superior jurisdiction of his lord the king of France. The pretended offence for which that monarch deprived him of Gascony, grew out of a private dispute between two sailors at a watering place on the French coast. An Englishman and a Norman met by accident, quarrelled and fought. The Norman fell: the Englishman was rescued by his shipmates; and the Norman sailors, to revenge the death of their countryman, boarded the first English vessel which they met, took out a passenger, a merchant from Bayonne, and hanged him with a dog at his heels from the head of their mast. Retaliation followed: the mariners of each country took part in the quarrel: the Normans called to their assistance the sailors of France and Genoa; the English associated with those of Ireland and Gascony: and the seas were covered with hostile squadrons, which, without any commission from their sovereigns, made war on each other, and under the influence of passion perpetrated outrages unknown to legitimate hostility. A Norman fleet, amounting to more than two hundred sail of all descriptions, after riding for some time triumphant in the channel, pillaged the coast of Gascony, and returned with their plunder to St. Mahé, a port in Bretagne. Here they were discovered by the mariners of Portsmouth and the cinque ports, who had collected eighty stout ships well manned, and prepared for battle. A challenge was given and accepted: the hostile fleets assembled round a ship which had been moored in a particular spot by mutual consent; and the victory was contested with a stubbornness that has seldom been paralleled. At length the fortune, or the valour, of the English prevailed. They captured every ship of the enemy, and, as no quarter was given, the majority of the crews perished in the ocean. The prizes, amounting to two hundred and forty, arrived safe in England: the

Oct. 29.

Quarrel
with France.

1293.

April 14.

number of the killed and drowned was swelled by exaggeration to fifteen thousand men.*

Edward cited before Philip. This defeat, so murderous and disgraceful, provoked the resentment of Philip. From the king of England he could only demand redress: from the duke of Aquitaine he could exact it. It was asserted, probably with truth, that the mariners of Bayonne had not only taken a share in the action, but had also attempted to surprise the port of Rochelle: and the king's lieutenant was required to arrest and lodge in a French prison a certain number of the accused. He neglected the requisition: and to punish his disobedience, the seneschal of Perigord was ordered to take possession of all the lands belonging to Edward, which lay within his jurisdiction. But the civil officers were driven back by the military under the command of sir John

Nov. 29. St. John: and a peremptory summons was issued by the royal court of Paris, ordering Edward to appear within twenty days after Christmas, and answer for these offences and contempts against his sovereign.† The king, who saw the real object of Philip, endeavoured to appease his resentment. By his ambassador, the bishop of London, he offered compensation to the sufferers on the part of France, provided equal restitution were made to the English: and when this was refused, proposed to refer the dispute either to arbitrators to be chosen by the two kings, or to the pope, "whose office it was to preserve concord among princes."‡ The bishop was succeeded by a more distinguished, and, it was hoped, a more welcome negociator, Edmund, the brother to the king of England, and husband to the mother of the French queen. But the simplicity of the prince was not a match for the arts of his opponents. Philip's sole object, he was told, was to guard his honour: and a promise was given that if Gascony were surrendered to him during forty days, it should, at the expiration of that period, be faithfully restored on the petition of the two queens. A secret

1294.
Jan. 1. treaty to that effect was concluded. It was signed by the consort of Philip: Edward signified his consent: and the French monarch, in the presence of several witnesses, promised to observe it on the word of a king. The citation against Edward was now withdrawn, and Edmund issued the orders, under which legal,
Feb. 3. and in some instances military, possession was given of Gascony to the officers of its superior lord.§

* Wals. 60. 479. Heming. i. 40. Trivet, 274.

† Rym. ii. 617. 619.

‡ Walsing. 60. 481.

§ Rym. ii. 619—622.

It must excite surprise that the king of England should so easily have fallen into the snare. But he was actuated by another consideration, the accomplishment of a treaty of marriage between himself and Margaret the sister of Philip. By that treaty the dutchy of Guienne had been settled on his issue by the princess: and to carry this provision into legal execution, it was necessary that Guienne should be resigned into the hands of its lord, that by a new enfeoffment it might be settled on the king and his heirs by his second marriage. At the expiration of forty days Edmund reminded Philip of his engagement; and was requested to forbear till certain lords of the council should have departed from Paris. Some days after he repeated the demand, and received a positive refusal. Philip repaired to his court: rejected the arguments of Edward's advocates; and though the citation had been withdrawn, pronounced judgment against him for default of appearance.*

He is
swindled
out of
Guienne.

Such is the account given by Edmund himself: and that the substance of it is true, appears from the narratives of the French historians, who, while they relate the cession of Guienne, are utterly at a loss to account for its cause. The deception was most dishonourable to the character of Philip, though by the turbulence of the Gascons he was enabled to give to his conduct some appearance of justice. At Bourdeaux they had massacred the Normans, some of whom had been domiciliated for more than ten years in that city: at Freniac they had enticed the officers of the French customs on board a vessel, and decapitated them on the open deck: and in many of the fortresses they had hanged the serjeants at arms, who had taken possession in the name of the king of France. On these grounds Philip once more summoned Edward to answer before his peers:†

May 19.

but the king, instead of presenting himself as a culprit at the bar, had prepared to enforce his right at the head of a powerful army. He wrote an exculpatory letter to the barons and people of Guienne, acknowledging

July 1.

that he had done wrong to resign them to the king of France without their consent: but protesting that he had been more deceived than they, and assuring them, that in a short time he would free them from a yoke which they abhorred. He sent messengers to Paris to renounce in legal form the superiority of Philip. "Sir," said they, "the lord Edward, king of

* Rym. ii. 622—626. West. 421. Heming. 42, 43.

† Rym. ii. 634, 635.

England, lord of Ireland, and duke of Aquitaine, did homage to you according to the peace concluded between your ancestors and his, which peace you have not observed. He made with you a secret treaty by means of his brother the lord Edmund, which treaty you have not kept. He has thrice demanded the restoration of his dutchy of Guienne, which restoration you have refused. It is evident then that you do not

Rebellion in Wales. treat him as your man: and it is therefore his intention to be so no longer.”* But the elements

seemed to have conspired with his own subjects to frustrate his design. For seven weeks he was detained at Portsmouth by contrary winds: and the Welsh, who believed him to have sailed, rose in every part of the principality, surprised and murdered the English, and poured in great numbers into the marches. A large body of troops

Nov. 10. which had been despatched to quell the insurrection was defeated: and the king, abandoning the expedition to Guienne, hastened to Wales, to revive the spirits of the soldiery. Aided by the inclemency of the season

1295. the natives bade defiance to Edward, who, on one occasion, was separated from his army by the sudden rise of the river Conway, and was compelled with his followers to subsist for some days on the coarsest fare. But at the return of spring resistance melted away before him. Anglesey submitted: the royal banner was planted on the summit of Snowdun: the Welsh in despair burst into the marches: and at Courscastle, Madoc, the leader of the insurgents, threw himself at the feet of the conqueror. A second time the conquest of Wales was achieved. Edward condemned the chieftains who had joined in the rebellion to close confinement in separate castles: their estates he gave to their heirs, but with a threat, that if they should imitate the perfidy of their fathers, they must expect a more severe punishment. The admonition was remembered: and from that period, says the historian, the Welsh began to attend to the cultivation of the soil, the profits of commerce, and the arts of peace.†

War with Scotland. It was midsummer before Edward returned to his capital. Again he prepared to recover his transmarine dominions: again he was recalled to oppose his adversaries within the island. The Scottish barons longed to assert the independence of their country; but, warned by the fate of the Welsh insurgents, sought to fortify their efforts with the aid of the French monarch. The timid

* Id. 644. 650.

† Heming. i. 57. West. 423. Walsing. 63.

mind of Baliol wavered. He calculated the power of Edward, and trembled at the consequences of a failure. At last he allowed himself to be carried away by the current of public opinion; and resigned the management of the war to a committee composed of four prelates, four earls, and four barons. An alliance offensive and defensive was hastily concluded with France. If Edward should invade Scotland, Philip engaged to employ all his forces against the weakest part of Edward's dominions; if he should transport an army to France, Baliol bound himself to pour his Scots into the north of England: and at the same time to cement the union between the two crowns, a treaty of marriage was concluded between Edward the heir of Baliol, and Jane the eldest daughter of Charles of Valois, and the niece of Philip.* These transactions could not be concealed from the jealousy of Edward. He sent to Guienne a small force under his brother Edmund, who died soon after his arrival, and was succeeded in the command by the earl of Lincoln: but remained himself in England to watch the motions, and ascertain by experiment the real designs, of his Scottish vassal. He first called on Baliol for aid in his intended expedition into Guienne; then demanded the castles of Roxburgh, Jedburgh, and Berwick, as a security during his absence; and lastly cited the king of Scots before his court to be held at Newcastle-upon-Tyne in the beginning of March.

Oct. 23.

Had Baliol obeyed the summons, he would have found himself in the midst of an army of forty thousand men:† but his barons were careful to keep him secluded in the Highlands, and made the most active preparations for the invasion of England. Accident allotted to the Scots the glory or the blame of commencing hostilities. Robert de Ros the lord of Werk, who was enamoured of a Scottish lady, had at her persuasion embraced the cause of her countrymen. His brother, who commanded in his absence, sent the information to Edward; and a body of a thousand men, who marched to take possession of the castle, were surprised in the night, and cut off almost to a man. Edward expressed his satisfaction that the Scots had been the first to draw the sword, and advancing to Werk, remained there during the festival of Easter. A feeble attempt was made to withdraw him from the

1296.
March.

March 26.

* Anderson, Diplom. Scot. Tab. xli.

† Edward's army consisted of 30,000 foot, and 4000 horse. The bishop of Durham joined him with 1000 foot, and 700 horse: to which must be added a body of Welsh, and another of Irish. Heming. i. 85.

Berwick
taken.
March 30.

borders by the invasion of Cumberland. But the king steadily pursued his object. The English army invested Berwick: the next day it was carried by assault, and seven thousand men perished in the massacre.* For this loss the Scots consoled them-

April 5.

selves with the destruction of Corbridge and Hexham: and Baliol sent to the English monarch a formal renunciation of homage in his own name and that of his barons.† “Felon fool!” exclaimed Edward, in a tone of contempt and pity, “but since he will not obey our summons, we must go and find him out.” The earl Warenne was despatched with a numerous force to besiege the castle of Dunbar, which belonged to the king’s adherent, the earl of

Victory at
Dunbar.

April 27.

March, but had been betrayed by the countess to her countrymen. The garrison agreed to surrender, if the place were not relieved in three days, and on the third the Scottish army appeared stretching along the chain of hills beyond the town. Warenne resolved to give battle: but, whether it were from design, or on account of the nature of the ground, ordered his troops to make a retrograde movement. “They run,” exclaimed several voices from the heights; and with a loud shout forty thousand men precipitated themselves into the valley to trample under foot the imaginary fugitives. To their astonishment they met the enemy advancing in a compact mass: consternation spread itself from banner to banner: the pursuers fled: and the English obtained a cheap, and on their part an almost bloodless, victory. Report raised the loss of the Scots to fifteen or twenty thousand men: the most moderate calculation has reduced it to half that number. But Scotland was now subdued: Dunbar, Roxburgh, and Jedburgh opened their gates: Edinburgh made but a show of resistance: Sterling was deserted by its garrison: and Perth, Brechin, Forfar, and St. Andrew’s, submitted.‡

June 24.

The unfortunate Baliol, mounted on a galloway, and bearing a white wand, the emblem of vassalage, met his conqueror in a churchyard, and expressed his sorrow for his alliance with the French king, and rebellion against his liege lord. But he did not move the resolution of the

Resignation
of Baliol.

king of England. He had refused to hold Scotland of Edward: he was therefore unworthy to

* Heming. 87—92. Walsing. 66. 483. Trivet, 285. 288. About this time Robert Bruce died. His son refused to join his countrymen against Edward: and his lands were in consequence taken from him and given to the earl of Buchan. Heming, 67. 83.

† Rym. ii. 707.

‡ Heming. 93—100. Walsing. 67. 484. Fordun, xi. 24. 26.

recover it: and he was compelled to sign at Kincardin an instrument, in which he acknowledged the right of the superior lord to enter into possession of his fee after the renunciation of homage, and transferred to him the fealty, which the Scottish barons and freeholders had sworn to himself.* The king granted to the deposed monarch every indulgence compatible with his own interests. With a princely retinue, and the tower of London for his residence, he enjoyed the full liberty of a circle of twenty miles round the walls of the city. If we may believe Baliol himself, he parted from his crown without regret. The feuds and violence of the Scots, their dissimulation, perfidy, and attempts upon his life, had effectually subdued his desire of reigning: and his only ambition was to retire to Normandy, and lead a life of privacy on his patrimonial estates. After three years his wishes were gratified. He solemnly declared that he would never more intermeddle in the affairs of Scotland:† the pontiff became surety for the performance of his promise: and he was delivered to the bishop of Vicenza, the papal legate, with the protestation on the part of Edward, that by this delivery, Boniface should acquire nothing more than the right of disposing of the person of Baliol, and of his English estates.‡ The exile soon ceased to be an object of jealousy: nor had his death, which happened six years later, any influence on the course of events. By his countrymen he has been condemned as a weak and mean-spirited prince: to me he appears as deserving of pity as blame. His reign had ceased long before his resignation of the sceptre: and the sovereign authority was exercised by the lords of his council, who used his name merely as a sanction to their own measures. With them the war originated: by them it was conducted: and they were responsible for its result. By the king, who foresaw the consequences, it was always condemned: but he united his own fate with the fate of the nation; and became the victim of that confidence which so rashly provoked, and of that despondency which so hastily abandoned, the contest. Baliol

July 2.

His captivity, release, and death.

1298.
April 1.1299.
July 18.

1305.

* Rym. ii. 709.

† Tantam invenit in hominibus ejusdem regni malitiam, fraudem, intentionis suæ non est prædictum regnum ingredi, seu de ipso regno aut pertinentiis suis per se, vel per alium aut alios intrmittere ullo modo. See the authentic act apud Prynne, 665. Brady, iii. App. 28.

‡ Rym. ii. 840. 847. Carte by mistake has represented this instrument as an acknowledgment by the pope of Edward's superiority.

lost his kingdom: of the real authors of the war, some immediately, all after a short interval, recovered their honours and their possessions.

From Perth Edward marched to Aberdeen, Edward settles the government of Scotland. from Aberdeen to Elgin: but every sword was sheathed, and every knee was ready to bend to the lord of Scotland. Unable to discover an ene-

my he turned to the south,* and summoned a parliament to meet him at Berwick, where all the Scottish barons, prelates, and tenants of the crown in person, all the burghs and commonalties by their representatives, did homage, and swore fealty. He made no innovation in the laws of the kingdom or the nature of the tenures; alienated no property; retained with one or two exceptions the former governors in the custody of the royal castles; and if he compelled the most dangerous of the Scottish barons to reside for a short period on the south of the Trent, he engaged to restore them to their full liberty as soon as he had concluded peace with the king of France. The highest offices of government were vested in Englishmen, under the earl of Surrey, who was distinguished by the title of guardian of the kingdom.†

Rise of William Wallace.

The repeated insurrections of the Welsh must have taught Edward that oaths of fealty, extorted from a conquered people, impose but a feeble restraint on the love of independence. But he relied more on the apprehensions than the conscience of the Scottish chieftains. The rapidity of his conquest had demonstrated the superiority of his power, and he rightly judged that the penalties of treason would confine to his duty every man, whose family was in possession of proper-

1297.

* It has been said that Edward destroyed all the proofs of Scottish independence, which existed in the records of the different monasteries. But lord Hailes candidly owns, that he can discover no other proof of the assertion than that the English destroyed some of the charters belonging to the abbey of Scone, and tore the seals from others. They also carried off the Scottish regalia, and the fatal stone seat, on which the Scottish kings sat at their coronation, and of which it was believed that

Scoti, quocumque locatum

Invenient lapidem, regnare tenentur ibidem.

It was placed in Westminster Abbey. Heming. 37. Ford. xi. 25.

† Rym. ii. 723. 727. 731. Heming. 103. 118. Ford. xi. 27. Boniface VIII. seems not to have approved of this conquest. In a letter to the king he exhorts him not to listen to the suggestions of men, whose interest it is to involve him in war: and adds, that though he now possesses Scotland unjustly, it is his (the pope's) endeavour, as he has already informed him, to obtain it for him justly, without the diminution of his fame, or danger to his salvation. Rym. ii. 804. The meaning of this enigma I cannot unravel.

ty and honours. Indeed, at this period, Scotland owed little to the exertions of her nobles. It was an obscure individual, the youngest son of a country gentleman, who kindled and nourished the flame of Scottish patriotism. Historians conjecture that William Wallace was born in the neighbourhood of Paisley: they assert that his hostility to the English originated more in the necessity of self-preservation than the love of his country. He had committed murder; he fled from the pursuit of justice to the woods; and there was joined by men of similar fortunes, who sought to escape the punishment of their crimes, or had refused to swear fealty to the conqueror. At first they supported themselves by nocturnal depredations: success added to their courage, and multiplied their numbers; and a fortunate rencontre, in which William Heslop, the sheriff of Lanarkshire, was slain, gave celebrity to the name of Wallace. There was another leader of outlaws, sir William Douglas, who had been made prisoner at Berwick, and had recovered his liberty from the generosity of Edward. He joined with Wallace in an attempt to surprise at Scone the chief justiciary Ormesby, who lost his treasures, but saved himself by the precipitancy of his flight.* Animated by their example, or prompted by similar causes, other independent chieftains arose in different counties, who assaulted the English and the partisans of the English, wherever it could be done with the hope of impunity, massacred all who fell into their hands, and compelled their own countrymen to fight under their standards. The origin and progress of these numerous parties had been viewed with secret satisfaction by the steward of Scotland, and Wisheart the bishop of Glasgow, who determined to collect them into one body, and give to their efforts one common direction. Declaring themselves the asserters of Scottish independence, they invited the different leaders to rally around them: and the summons was obeyed by Wallace and Douglas, by sir Alexander Lindsay, sir Andrew Moray, and sir Richard Lundy. The younger Bruce, earl of Carrick, was solicited to support their cause. He knew not how to decide. Whichever party succeeded, he might gain or lose a crown. At first he repaired to Carlisle, renewed his fealty to Edward, and ravaged the lands of sir William Douglas: then he changed his sentiments; tempted in vain the fidelity of the men of Annandale; and hastened with his own retainers to the camp of the patriots.†

* Fordun, xi. 28. Walsing. 70. Heming. 118, 119.

† Knyght. 2513, 2514. Walsing. 70. Heming. 119.

The Scots
surrender
at Irvine.

Edward had now undertaken the recovery of Guienne: nor could he be diverted from his object by the danger of losing Scotland. He cherished the hope that his deputy might be able to put down the insurgents: he was convinced that at his return he could easily reconquer whatever should have been lost. The guardian and treasurer were on their road to confer with the king, when they received orders to collect the forces of the six northern counties of England, and to re-establish the royal authority in Scotland. Two armies were formed, one on the eastern, the other on the western coast. The latter under Henry lord Percy, and sir Robert Clifford, discovered the Scots near Irvine, on the right bank of the river. But the ardour of the patriots had been chilled by the dissensions of their chieftains: and sir Richard Lundy abandoned a cause, which he observed could never prosper as long as it was at variance with itself. His defection opened the most gloomy

July 9. prospects to the other leaders: Bruce, the steward, the bishop, Lindsay, and Douglas, hastened to capitulate for the safety of their lives, limbs, and estates: and signed a paper, in which they acknowledged their guilt, promised satisfaction, and undertook to use their influence in pacifying the country. Wallace and Moray, who had nothing to lose, were not included in the capitulation: and this circumstance increased their popularity with the common soldiers, who disapproved of the pusillanimity of their chiefs. They were followed by the greater part of the army in their retreat beyond the Frith: and many noblemen, who affected an outward show of loyalty, secretly encouraged their tenantry to join the insurgents.*

Moray and
Wallace
gain a great
victory.

The king had already sailed to the continent, and Warrenne, with a numerous army, had reached the town of Stirling. Wisheart and Douglas, unable to perform their engagements, voluntarily surrendered to the English; but the steward, with the earl of Lenox, amused the guardian with a pretended negotiation, till Wallace and Moray had assembled all their forces behind the hills in the neighbourhood of Cambuskenneth. They then brought an answer that the insurgents would not admit of any terms short of the national independence, and promised to join the royal army on the next morning, with a retinue of forty nights. That morning

Sep. 10. Warrenne, in opposition to the advice of Lundy,

* Rym. ii. 774. Knyght. 2515, 2516. Walsing. 70. Heming. 122—124. Trivet, 300.

ordered the English to cross the Forth by the bridge, which was so narrow that no more than two armed men could march over it at the same time. Wallace at a distance watched their movements: and as soon as he saw about five thousand horse and foot on the left bank of the river, ordered his followers to pour down from the heights, and annihilate their enemies. Warenne, unable to send assistance, was compelled to remain on the right bank, the idle spectator of the massacre of his men. All who had crossed, with very few exceptions, fell by the sword, or perished in the river. Among the slain was the treasurer Cressingham; and the Scots, to show their hatred for the man, flayed his dead body, and made the skin into thongs for their horses. This unexpected disaster broke all the plans of the guardian. The western army had already been disbanded: the natives in his rear were rising to intercept his retreat: and his only resource was to burn the bridge, reinforce the garrisons of the different castles, and withdraw as speedily as possible into England. Wallace and Moray now styled themselves "the generals," and their followers "the army of John king of Scotland:" they crossed the borders with multitudes who joined them in the pursuit of plunder: and during a month the open country in Northumberland and Cumberland, was ravaged by a licentious and revengeful soldiery.*

Nov. 7.

From this period we lose sight of Moray. His associate Wallace appears alone on the scene, as "the guardian of the kingdom, and general of the armies of Scotland,"† under which title he summoned a parliament to meet at Perth. But this adventurer had now reached the meridian of his greatness: and his fall was even more rapid than his rise. As long as the attention of the king was directed to the recovery of his transmarine dominions, Wallace had triumphed: but the efforts of Boniface VIII. to restore peace between England and France, had at last been crowned with success: and by the industry of his legates, who had spent two years in journeys and conferences, Edward and Philip had been induced to sign a preliminary treaty. Both kings consented to refer their differences to the equity of Boniface, not as pontiff, but as a private judge, selected by the parties: and he immediately published his first award, confirming the armistice; proposing marriages between Edward, who was now a widower, and Margaret the sister, and between Edward's son

Wallace is defeated at Falkirk.

1298.

* Fordun, xi. 29. Heming. 126—136. Knyght. 2516—2522. Wal. 73.

† Anderson, Diplom. Scot. Tab. xlv.

and Isabella the daughter, of Philip; and taking into his own hands all the possessions which the king of England held in France, now or before the war, to be disposed of by himself in virtue of his power of arbitrator, unless the two kings should previously come to a satisfactory agreement.* Edward, as soon as he was freed from all danger on the part of the French monarch, sent orders to Warenne, who lay with

Mar. 14. a powerful army at Berwick, to wait his arrival; landed at Sandwich, met his parliament at York,

June 25. and repaired to Roxburgh, where he found himself at the head of eight thousand horse, and

eighty thousand foot, principally Irish and Welsh. From Roxburgh he penetrated to the Forth: no enemy appeared to dispute his progress; but the want of provisions, and the ravages of disease compelled him to make a retrograde movement, and he had almost reached Edinburgh, when a few ships laden with supplies anchored in the Frith. At Templeliston he refreshed his army, and received information that Wallace with his Scots lay in the forest of Falkirk, watching an opportunity to harass his retreat. The English were immediately in motion, retraced their steps to the moor of Linlithgow, where they passed the night on the bare heath, and

July 22. the next morning discovered the enemy in battle array behind a morass.† Wallace had formed his pikemen, the flower of his army, into four circular bodies, connected with each other by a line of archers from the forest of Selkirk. Before them he had planted a defence of palisades, behind them, probably to prevent their retreat, he had stationed the Scottish cavalry: and having thus imposed on the most reluctant the necessity of fighting, triumphantly exclaimed, “I haif brocht you to the king, hop gif you can.”‡ The first division of the English, commanded by the earl mareschal, from its ignorance of the ground, was entangled in the morass: the second, led by the bishop of Durham, wheeled round the swamp, and came in sight of the cavalry, when

* Rym. ii. 669. 682. 685. 707, 734. 754. 791. 795. 809. 812. 817. 819.

† Hemingford, 163, and Walsingham, 75, inform us that before the battle the king had two ribs broken by a kick from his horse: Knyghton, that he spurred his horse with such violence as to break two of the horse's ribs! 2527.

‡ Wals. 75. These words evidently signify, I have brought you to the king, get away without fighting if you can. To hop means to dance, or run about: and is still used in that sense in the northern counties. Lord Hailes has changed *king* into *ring*, on the authority of Westminster's Latin version: and makes it, I have brought you to the ring, dance as well as you can: words which appear to me to be without meaning. An. of Scot. 258, 259.

the prelate ordered his men to wait the arrival of the other bodies. "To thy mass, bishop," exclaimed a knight, and rushed on the enemy. They fled at the first charge: the bowmen were trampled under foot: but the four bodies of pikemen opposed on all sides an impenetrable front to their assailants. Their resistance, however, only delayed their fate. Edward advanced his archers and military engines: an opening was soon made in each circle; and the cavalry rushing through the chasm, completed their destruction. From twenty to forty thousand Scots are said to have perished. Wallace himself escaped. But his sun had now set for ever; he spent the rest of his life a fugitive in the forests, from which he had formerly issued for the chastisement of the English, and the liberation of his country.*

The poverty of Scotland was its protection. After his victory Edward traversed it in different directions: but the impossibility of procuring provisions for his army compelled him to return to England: and the only advantage which he derived from the campaign, was the opportunity it had offered him of relieving and strengthening the castles in Lothian. All Scotland north of the

The Scots maintain themselves in the north.
Sept. 15.

1299.

two friths, together with Galloway, was independent: and William Lamberton bishop of St. Andrew's, Robert Bruce earl of Carrick, and John Comyn the younger, were appointed a council of regency to govern in the name of Baliol, who was still acknowledged as lawful king. They undertook the siege of Stirling: nor was Edward at leisure to succour that important fortress. His parliament had approved the papal award: and as the envoys of the three powers were to meet at Montreuil, he was advised to remain in the south, that he might be near the place of negociation. The summer months passed away: his marriage with Margaret, the French princess, detained him several weeks:† and when he joined the army at Berwick, he was compelled to yield to the remonstrances of his barons, who refused to expose themselves to the dangers of a winter campaign. He had already rejected the proposal of a truce, and thus lost by his obstinacy the strong castle of Stirling.‡

Nov.

* Fordun, xi. 34. Heming. 159—165. Wal. 75.

† They were married at Canterbury on the 12th of September. The queen's dower was a yearly rent of 15,000 pounds Tournois (about 3750*l.* sterling). As the young prince was only thirteen, and Isabella only seven years of age, their marriage was contracted in private by proxy. Her dower amounted to 13,000 pounds Tournois (3250*l.* sterling). Rym. ii. 819. Wals. 77. West. 432.

‡ Rym. ii. 841. 847. 859. Knyght. 2528.

The pope
writes in
their fa-
vour.

1298.
July 10.

Under the short government of Wallace the Scots had solicited the protection of the pontiff; who, in a letter to Edward, after describing the attention which the holy see had always paid to his interests, earnestly exhorted him to live at peace with his neighbours, and to listen no longer to the suggestions of his ambition.* To a request conveyed in such general terms it was easy to return an evasive answer; but the new regents despatched envoys to Rome who more powerfully interested Boniface in their favour. They referred their quarrel with the king of England to his decision, because he was the only judge whose jurisdiction extended over both kingdoms: they reminded him that by remaining indifferent, he would suffer Edward to annex to his own throne a realm, which of right belonged to the see of Rome:† and they exhibited to him a long series of proofs that the kings of England had not, nor ought to have, any superiority over the kings of Scotland. These represen-

1299.
June 27.

tations induced the pontiff to interfere: and a letter was written to Edward almost in the very words of the Scottish memorial. Boniface began by asserting, what he pretended the king must know, that Scotland had belonged from ancient times, and did still belong, in full right to the Roman see. He then proved that it was not a fief of the English crown, from the following instances: 1. When Henry III. in his war with the earl of Leicester, received assistance from the king of Scotland, he

* Rym. ii. 827.

† This pretension, that Scotland belonged to the see of Rome, is attributed by our historians to the ambition of Boniface. He is said to have forged a false title to attribute the superiority to himself. But it is certainly more ancient than Boniface. Not only was it strenuously maintained by the Scottish agents at Rome (*Regnum Scotiæ præcipuum et peculiare allodium ecclesiæ Romanæ—in temporalibus immediate subditum ecclesiæ Romanæ. Fordun, xi. 51. 54. 56, 57*): but the regents in their instructions to their envoy declare that it was objected to Edward, when he first advanced his claim to the superiority (*Licet Romana ecclesia tunc pro parte ipsius regni fuisset nominata domina regni ejusdem coram ipso, sicut erat, ipse tamen rex allegationem hujusmodi non admisit. Ford. xi. 53*). Certain it is that Nicholas IV., when Edward desired him in 1290 to confirm the claim of the English crown, replied that he could not do it, because it would be to deprive the Roman see of a superiority which belonged to it. *Se non posse in regno Scotiæ sedi Apostolicæ obnoxio ecclesiæ Romanæ derogare, ejusque fiduciarios regi Anglo submittere. Spond. ad ann. 1290 ex regist. Vatic. ep. 102*. The origin of this pretension I cannot discover: but I suspect that it was first advanced by the Scots during their long controversy with the archbishop of York respecting the independence of their church, which terminated in a decision, that the Scottish prelates were immediately subject to no one but the pope.

acknowledged by his letters patent that it was as a favour, and not as a feudal service: 2. When Alexander III. did homage to Edward for Tynedale and Penrith, he protested that he did not do it, nor did he owe it, for the crown of Scotland: 3. At the death of that prince, neither the wardship of his daughter Margaret, nor the custody of the kingdom was claimed by Edward: and, 4. In the treaty of marriage between the prince of England and Margaret it was declared, that the kingdom of Scotland should remain for ever free and independent, and in the case of her death be restored in that state to the next heir. Hence the pontiff expressed his hope that the king, desisting from an unjust aggression, would set at liberty the bishops, clergy, and natives of Scotland, whom he held in captivity: and, if he thought he had any right to the whole or part of that kingdom, would pursue his claim to it within the six months following before the holy see. He concluded in a strain of authority, by revoking and reserving to his own decision every process or controversy, which might be then pending between the king of England, and the king or people of Scotland.* This extraordinary document was enclosed in a letter to Winchelsey archbishop of Canterbury, ordering him, under the penalty of suspension, to present it to Edward. By some unaccountable delay twelve months elapsed before it was delivered to the primate, who immediately repaired to Carlisle. But the king had already reached Kircudbright: and the intermediate country was in the possession of the Scots. For six weeks the archbishop lingered on the borders, afraid to proceed, yet distressed through want of provisions; at length he heard that the army was on its return, and crossing the sands found Edward encamped in the neighbourhood of Caerlavarock. He delivered the letter, which was publicly read in Latin and French to all the barons in the king's presence. It came at a most critical moment. The peace with France was not yet concluded: and Gascony was still sequestered in the hands of the pontiff. Unwilling to offend one, whose friendship was so necessary to him, he took time to deliberate, and then replied, that in a matter which concerned the right of his crown it was his duty to consult his other counsellors: that in a short time he would assemble his parliament, and with its advice would return a satisfactory answer to the pontiff. The archbishop returned: he was followed by Edward: and at the request of the king of France an armistice was granted to the Scots.†

1300.
Aug. 26.

* Rym. ii. 844—846.

† West. 435. 437—439. Lord Hailes says, that Rymer has dated the bull

Answer of
the English
barons.

To answer the letter of Boniface a parliament was summoned to meet at Lincoln. The universities were ordered to depute six civilians; the monasteries to furnish every document in their possession, which could bear upon the question. After some debate a reply was framed, which was signed and sealed by one hundred and four earls and barons, in the name of the commonalty of England: and which deserves to be transcribed, as it shows how accurately our ancestors could distinguish

1301.
Feb. 12.

between the spiritual and temporal authority of the pontiff. After expressing their astonishment at the tenor of the papal rescript, and asserting that Scotland never belonged in temporals to the see of Rome, they thus notice the authority, which the pope had arrogated to himself, of deciding the controversy by judicial process. "By a custom, at all times inviolably observed, a privilege arising from the pre-eminence of the regal dignity, the kings of England have never pleaded, or been bound to plead, respecting their rights in the kingdom of Scotland, or any other of their temporal rights, before any judge ecclesiastical or secular. It is, therefore, and by the grace of God shall always be, our common and unanimous resolve, that with respect to the rights of his kingdom of Scotland or other his temporal rights, our aforesaid lord the king shall not plead before you, nor submit in any manner to your judgment, nor suffer his right to be brought into question by any inquiry, nor send agents or procurators for that purpose to your court. For such proceedings would be to the manifest disherison of the rights of the crown of England and the royal dignity, the evident subversion of the state of the kingdom, and the prejudice of the liberties, customs, and laws, which we have inherited from our fathers, to the observance and defence of which we are bound by our oaths, and which we will maintain to the best of our power, and by the assistance of God will defend with all our might. Neither do we, nor will we, permit, as we neither can nor ought, our aforesaid lord the king to do, or attempt to do, even if he wished it, any of the things aforesaid, things which were never heard of or claimed before, and which are so prejudicial to this realm."*

erroneously in 1299 (Annals 267). But it bears the same date, anno quinto, in Hemingford, Westminster, and Fordun. From the archbishop's reply to the pope it appears that he was twenty days on his journey to Carlisle, remained on the borders six weeks, and reached the king on the 26th of August. Of course he must have received the bull in the end of June and as it was dated on the twenty-seventh of that month, it must have been written the year before.

* Rym. ii. 873—875.

Though Edward refused to acknowledge the pope as a judge, he was willing to explain his right to him as a friend. A long letter was written, and the superiority of his predecessors was accurately traced back to the remote age of Heli and Samuel. It was then that Brute the Trojan, having cleared the island of the giants its indigenous inhabitants, divided it between his three sons Locrine, Albanact, and Camber, but on the condition that the younger should hold their portions in fee of the eldest brother. Locrine the eldest established himself at Trinovant, since called London, and the pre-eminence which he enjoyed, was claimed and exercised by all his successors, particularly the renowned monarchs, Dunwall, Beline, and Arthur. From the fictions of romance he passed at length to real history, enumerated every instance, which he could collect, of homage done by the kings of Scotland to the Saxon and Norman princes; and contended, in a tone of triumph, that these formed a satisfactory justification of his conduct, a complete refutation of the false suggestions of his opponents.* The answers of the king and the parliament were delivered by the pope to Baldred Basset the Scottish envoy, and by him transmitted to the council of regency. The instructions which he received in return, and the memorial which he presented to Boniface, are still extant. He opposes fiction to fiction, and history to history. The Scots, he says, care not for Brute or his institutions. They are sprung from Scota, the daughter of Pharaoh, who landed in Ireland, and whose descendants wrested by force of arms the northern half of Britain from the progeny of Brute. To the Britons, therefore, they owe no subjection. Nor is it of any consequence if some of the Saxon princes occasionally penetrated into Scotland. Edward cannot claim from the Saxons. He is descended from the Normans, and no king of Scotland ever did homage to the Norman kings, with the exception of William the lion, for any thing but lands situated in England, as is evident from the instances which were inserted before in the papal letter, and from the refusal of Innocent IV. to grant to Henry III. the tenths of Scotland, or to allow his interference in the coronation of the king of Scots. In opposition to the answer of the parliament, he observes that, if Edward declines the judgment of the pontiff, it is because he is conscious of the weakness of his claim: but that he is not to be witness and judge in the same cause: that

Answer of
Edward,
May 7.

July.

the two realms are equal and independent: and that in all controversies between them they must have recourse to a higher tribunal, that is, to the church of Rome. He adds, that notwithstanding the contrary assertion of the English, it is notorious that Scotland is the property, the peculiar allodium of the holy see: that its inhabitants from the time of their conversion have always acknowledged the direct dominion of their country in temporals as well as spirituals, to be vested in the Roman church: and that this superiority was confirmed to it by Constantine the great, when he made to the chair of St. Peter a donation of all the isles in the western ocean: on which account he trusts that the pope will extend his powerful protection to his faithful and devoted vassals the natives of Scotland.*

But the time was gone by, when Boniface, if he had possessed the will, could have dared to fight the battles of these vassals. A long succession of petty and mutual injuries had embittered the minds of the pontiff and the king of France; till their dissention gradually ripened into open hostility. Boniface excommunicated his opponent, and threatened to pronounce the sentence of deposition: and Philip appealed to a future council, accused the pontiff of heresy, and by the activity of his partisans, actually detained him a captive for the space of three days. During the progress of this quarrel each was anxious to obtain and preserve the friendship of Edward. The pope no longer maintained the cause of the Scots: Philip, whose promises had induced them to defy the king of England, was content to obtain for them a few short and useless suspensions of arms. Edward improved the opportunity to urge the conclusion of peace between England and France. He recovered Guienne; the earl of Lincoln swore fealty for it in his name; and a treaty of commerce sealed the amity between the two nations. The Scottish envoys expressed their surprise that no stipulation had been introduced in favour of Scotland: but their complaints were silenced by the promise that, in the approaching interview between the kings, Philip himself would undertake their cause, and elicit from the generosity of their enemy more advantageous conditions, than he could have obtained from ambassadors bound by written instructions. It is useless to say that the promise was not fulfilled.†

Recovery of
Guienne.

1303.
May 20.

* Fordun, xi. 46—63.

† Rym. ii. 923. 929.

Before spring an English army under John de Segrave had received orders to march from Berwick to Edinburgh. In a country which had long been kept in subjection by English garrisons, that general had no expectation of meeting an enemy; and the first division of his army was surprised near Roslin by a superior force under John Comyn, and Simon Fraser.

Edward
overruns
Scotland.

Feb. 24.

Had Segrave fallen back on the rest of his troops, he might have evaded the danger: but he scorned to flee, and rushing on the enemy, was wounded, and made prisoner with twenty other knights. The Scots pursuing their success, fell on the second division: which only escaped destruction by the arrival of the third. The battle was now renewed, and the English, having recovered the person of their general, retired.* The victory was of course claimed by the Scots: its importance was magnified by the national partiality; and a fallacious gleam of hope enlivened the cause of freedom. But Edward soon passed the borders at the head of an army, with which it would have been folly for the Scottish patriots to contend.† They cherished, however, a hope that its progress might be arrested on the banks of the Forth, and encamped on the spot, which had been consecrated in their eyes by the first victory of Wallace. But the king marched past the bridge that had proved so fatal to Cressingham; and crossed by a ford at the distance of a few miles. As soon as he appeared on the left bank, the host of his opponents disappeared: every town was filled with loyal inhabitants anxious to greet the arrival of their sovereign: and the small castle of Brechin was the first place, the gates of which he found shut against him. On the twentieth day of the siege, Mauld the governor was slain by a stone from one of the engines; and the garrison solicited the clemency of the conqueror. Edward recommenced his progress: he advanced through Aberdeen and Banff into Caithness, and on his return fixed his residence for the winter in the great abbey of Dumfermlin.‡ To this place the Scots hastened to

Aug. 9.

* Heming. 197. Wals. 87. Ford. xii. 2.

† Out of his special grace the king allowed such of his military tenants, as were clergymen, widows, or infirm, to remain at home, on the payment of a fine of 20*l.* for every knight's fee. Rym. ii. 923.

‡ West. 446. Ford. xii. 3. Dumfermlin was a place of considerable strength and importance. Besides the church and convent, it contained many large buildings for the accommodation of the Scottish parliament. During the war these had frequently offered an asylum to the marauding parties of the patriots, and were now destroyed by the English. The habitations of the monks were spared. West, *ibid.*

1304.
Feb. 9. make their peace: and after some consultation a very comprehensive treaty was concluded between him and Comyn, the Scottish guardian. It was agreed that all prisoners and hostages on both sides should be restored: that Comyn and his adherents should have their lives, limbs, liberty and estates, subject however to certain fines, to be determined in the next parliament: that for the tranquillity of the realm Fraser and Boys should, unless they obtained a pardon, banish themselves during three years to some foreign country, but not to France: the bishop of Glasgow, James lord Steward, and John Soulis, should reside for two years south of the river Trent: Graham and Lindsay should retire into England for six months, and Wallace, if he pleased, should submit to the will and favour of his sovereign lord the king. The rest accepted these conditions: Wallace preferred the life of an outlaw, his original profession; and endeavoured to elude the vigilance of his enemies among his native forests and mountains.*

Stirling sur- The only place which still bade defiance to Ed-
renders. ward was the strong castle of Stirling. Last year he had wisely neglected it, that he might have leisure to reduce the rest of the kingdom: now he required the governor, sir William Oliphant, to surrender it instantly into his hands. That officer requested permission to consult sir John Soulis, formerly regent of Scotland, from whom he had received it in charge: Edward spurned the proposal: a council of English and Scottish barons was assembled; and a sentence of outlawry was published against the governor and his garrison. But it required no ordinary exertions to reduce a fortress, raised on a lofty rock, and defended by men of approved valour. The royal engines could make no impression on the outward defences: if the habitations within the walls were beaten down by the weight and multitude of the stones thrown upon them,† the garrison found shelter in caverns hewn out of the rock: and for ninety days Oliphant foiled every attempt of the enemy, and, which was more difficult, resisted every solicitation of his friends. During the siege the courage or temerity of Edward exposed him to the most imminent danger. He received an arrow in his vest: his charger was struck down with a stone: but to the friendly expostulations of his knights he replied, that he fought in a just war, and his life was under the protection of

* Ryl. Plac. Par. 369. Rot. Parl. i. 212, 213.

† The stones thrown into the town weighed from 2 to 3 cwt. Heming. 205.

heaven. At last the courage or means of the garrison were exhausted: for three days they abstained from measures of hostility: and frequent conferences were held at the foot of the walls between Oliphant and some English barons. The next morning the gates opened; and the governor and twenty-five of his companions were seen moving in slow procession down the hill, barefoot, in their shirts, with their hair dishevelled, and halters round their necks. When Edward met them, they fell on their knees, and with uplifted hands implored his favour. "I have no favour for you," he replied, "you must surrender at pleasure." They assented: "Then," said he, "my pleasure is, that you be hanged as traitors. Accept of this, or return to the castle." "Sir," answered Oliphant, "we acknowledge our guilt: our lives are at your disposal." "And what say you?" rejoined the king, addressing the others. "We are all guilty," they exclaimed: "we all throw ourselves on your mercy." The king turned aside to wipe the tears from his eyes, and ordered them to be conducted as prisoners, but not in chains, into England.*

July 24.

The surrender of Stirling completed the reduction of Scotland. The king disbanded his army; ordered the courts of exchequer and king's bench, which had sitten during seven years at York, to resume their former station at Westminster; and applied to the reformation of the abuses which had crept into the government of his native dominions. The only man, whose patriotism and enmity could give him a moment's uneasiness, was Wallace; and in a few months Wallace was brought a captive to London. His retreat, so his contemporaries believed, had been betrayed by one of his followers, whose brother he had killed. He was surprised in his bed by sir John Monteith, the governor of Dunbarton; was placed at the bar in Westminster hall with a crown of laurel on his head; and was arraigned for the crimes of treason, murder, and robbery. The other charges he admitted: to that of treason he pleaded not guilty, because he had never sworn fealty to the king of England. He was condemned on the verdict of a jury of gentlemen; and suffered the usual punishment of traitors.†

Execution
of Wallace.

Aug. 23.

It may perhaps offend the national partiality of some among my readers, but I greatly suspect that Wallace owes his celebrity as much to his

His real
actions.

* West. 448—450. Rym. ii. 950. 952. Heming. i. 205, 206.

† West. 451. Stow, 209.

execution as to his exploits. Of all the Scottish chieftains, who deserved and experienced the enmity of Edward, he alone perished on the gallows: and on this account his fate called forth and monopolized the sympathy of his countrymen. They revered him as the martyr of their independence: his blood animated them to vengeance: the huts, and glens, the forests and mountains, which he had frequented, became consecrated in their eyes: and as the remembrance of his real exploits gradually faded, the aid of fiction was employed to embellish and eternize the character of the hero. If we may believe the Scottish writers, who lived a century or two after his death, he was gigantic in stature, powerful of limb, and patient of fatigue beyond his contemporaries. He knew no passion but the love of his country. His soul was superior to bribery or insult: and at the call of liberty he was as ready to serve in the ranks as to assume the command of the army. His courage possessed a talismanic power, which led his followers to attempt and execute the most hazardous enterprises; and which on Stainmoor compelled the king and army of England to flee from his presence, even before they entered upon action. Under so brave and accomplished a leader Scotland might have been saved: she was lost through the jealousy of her nobles, who chose to crouch in chains to a foreign despot, rather than owe their deliverance to a man of inferior family.* Of all this a part may perhaps be true; but it is derived from no credible authority: much must be false, because it is contradicted by real history. The only great battles in which Wallace is *known* to have fought, are those of Stirling and Falkirk. In the first he was victorious: but he must share the glory of the action with Sir Andrew Moray, who was certainly his equal in command, perhaps his superior.† In the second he was defeated: and the defeat was the most disastrous that Scotland ever experienced. In the history of the next five years his name is scarcely mentioned: but when the rest of his countrymen made their peace with Edward, his interests were not forgotten. “It was agreed that he also might put himself on the pleasure and

* See Fordun, Boece, Buchanan, and the achievements of Wallace by Blind Harry.

† Fordun tells us that sir Andrew Moray fell in the action (Ford. xi. 29). If so, he was succeeded immediately in the command by a son of the same name. For in the two letters of protection granted on the 7th of Nov. to the convent of Hexham, Andrew Moray is joined with Wallace, and in both his name occurs the first. Andreas de Moravia et Willelmus Wallensis duces exercitus Scotiæ. Heming. 135. Knyght. 2521.

grace of the king, if he thought proper.”* He did not think proper: and to this, whether it were patriotism or obstinacy, we are to attribute his punishment. He had been summoned to a parliament of both nations held at St. Andrew’s; and, as he neglected to appear, sentence of outlawry according to the Scottish law was pronounced against him, with Andrew Fraser, and the garrison of Stirling.† Edward was not, however, as he has been represented, a blood-thirsty tyrant.‡ He still accepted the submission of Fraser: and contented himself with the captivity of Oliphant and his companions, though they had uselessly involved him in so much danger, and entailed on him so much expense. If the fate of Wallace was different from that of all others, it proves that there was something peculiar in his case, which rendered him less deserving of mercy.

To settle the government of his late acquisition, Edward condescended to ask and follow the advice of natives who had been distinguished by their attachment to the cause of independence, Wisheart bishop of Glasgow, Robert Bruce, and John Maubray. At their suggestion he summoned a Scottish parliament at Perth, in which ten commissioners were chosen to confer with the king in person at London.§ To them were joined ten Englishmen with

Settle-
ment of
Scotland.

1305.
Mar. 26.

* Et quant a monsieur Guilliam de Galeys est accorde, q’il se mette en la volonte, et en la grace nostre seigneur le Roy, si lui semble que bon soit. Ryley, 370. Lord Hailes thinks it doubtful, whether the words, si *lui* semble, refer to Wallace or the king. But they evidently refer to Wallace. The offer is made in the same manner to the bishop of Glasgow, the Stewart, &c. si *leur* semble que bon soit. Rot. Par i. 213.

† Quorum petente rege judicium secundum juris processum et leges Scoticanas, omnes qui convenerant, concordi sententia pronuntiarunt exlegatos. Trivet, 338.

‡ The only cruelties with which he is charged are the massacre at Berwick, and his treatment of the prisoners made at Dunbar. But it should be remembered that Berwick was taken by assault: and that the revenge of the conquerors had been probably excited by previous provocation, perhaps by the horrid barbarities perpetrated a few days before by the Scots in Cumberland (Heming. 87. Rym. ii. 887); perhaps by the conduct of the citizens of Berwick themselves, who, though their town had been given up to Edward some months before, (Rym. ii. 692) had, we know not how, been freed from the English garrison, and taken up arms against the king.—With respect to the prisoners at Dunbar, the story rests on the doubtful authority of Fordun, xi. 24, whose ambiguous language has been improved by the prejudices of later writers. See lord Hailes, i. 348.

§ Ryley, 243. The deputies were chosen from each order, two bishops, two abbots, two earls, two barons, and two commoners, one from the south, the other from the north of the Forth. See also Id. 503. Their wages were to be paid to them by the commonalty of the realm.

several of the judges, and all took an oath to give the best advice in their power, without suffering themselves to be sway-

Sep. 23. ed by any consideration of friendship, enmity, or interest. The result of their deliberations was:

that John de Bretagne, Edward's nephew, should be appointed guardian of the realm, with the aid of the present chamberlain and chancellor, both Englishmen: that for the better administration of justice Scotland should be divided into four districts, Lothian, Galloway, the country between the Forth and the mountains, and the Highlands, to each of which two justiciaries, the one a native, the other an Englishman, were assigned: that certain persons then named should be sheriffs and escheators in the different counties, removeable for others at the will of the guardian and chamberlain, excepting the shires in which these offices were held by inheritance: that the castles of Roxburgh and Jedburgh should be put into the hands of the guardian: that the present governors should remain in those of Edinburgh, Linlithgow, Stirling, and Dunbarton; and that Bruce should entrust the castle of Kildrumny to a person, for whose fidelity he should be responsible. With respect to the laws, it was determined, that the custom of the Scots and Brets should be forthwith abolished:* that the statutes of David king of Scots, with the additions and amendments of other kings, should be read in an assembly of the good people of Scotland: and that such laws and customs as were plainly against the laws of God and reason should be amended immediately: but that, if any points of difficulty arose, deputies should be chosen to consult the king, and empowered to assent in the name of the commonalty to his decision.† This settlement was followed by an act

Oct. 15. of conditional indemnity. All who had engaged in the rebellion and afterwards submitted, were secured as to life and limb, and freed from imprisonment and disherison, on condition that they paid the following fines: the clergy one year's rent of their estates: those who submitted before Comyn, two years': Comyn, Gordon, and the bishop of Glasgow, three years': William de Baliol, Simon Fraser, and John Wisheart, four years': and Ingelram de Umfraville, five years' rent. For this purpose they were to be put in imme-

* *Ordenee est, que l'usage de Scot et de Bret desorendroit soit defendu, si que mes ne soit usez.* Ryley, 506. This was, probably, some old and national custom, which, like the tanistry of the Irish, was incompatible with the principles of the feudal jurisprudence. By the Brets I understand the men of Galloway, the descendants of the Picts, the ancient inhabitants of Britain.

† Ryley, 503—507. Rot. Parl. i. 267. 269.

diate possession of their lands: a moiety of the rent of which was to be allotted to them for their support: the other moiety to be paid to the king till the fines were discharged. At the same time the order of temporary banishment against Comyn, Graham, and the bishop of Glasgow, was recalled.* If it be considered that these men had given repeated proofs of their hostility to Edward, that they had sworn fealty to him and renounced it, had renewed their oaths and broken them again, we shall discover more reason to applaud his moderation, than to accuse his severity. The world has seen many conquerors: but it will be difficult to find one, who with such provocation has displayed an equal degree of lenity.

We have hitherto observed the conduct of Edward in his relations with foreign powers; have seen him wrest the province of Guienne from the grasp of the king of France, and extend his own authority over the kingdom of Scotland and the principality of Wales. It is now time to attend to the manner in which he governed his patrimonial dominions, to notice the improvements which he introduced, the new laws which he established, and the expedients by which he was enabled to defray the expenses of his numerous campaigns.

I. For many of the improvements in the English constitution we are indebted more to views of personal interest than of enlightened policy. In the infancy of the feudal institutions the warrior was every thing, the merchant or tradesman nothing. But the latter, in the progress of civilization, gradually acquired property: property gave consideration; and during the civil wars of the last reign, both parties had found the assistance of the principal towns and cities as valuable as that of the most powerful barons. The earl of Leicester, as we have seen, had ventured to call their representatives to parliament: and his example was followed by the council on the death of Henry III. Besides the lords spiritual and temporal, four knights were summoned from each county, and four citizens from each city, to appear at Westminster, and swear fealty in the presence of the royal commissioners to the new king, who had not yet returned from the holy land.† Edward allowed ten years to pass before he had recourse to their services: but in 1283, during his war in Wales, he compelled every man, possessing twenty pounds a year in land, to join the army, or furnish a

Constitu-
tion of
parliament.

1273.
Jan. 14.

* Rym. 968—970. Rot. Parl. i. 211. The money arising from these fines was to be spent in Scotland, for the benefit of the kingdom.

† Waverley, 227.

substitute: and in order to procure an aid from men of smaller property, summoned a parliament of only two estates, the clergy and commons. The former were to assemble in the usual manner: the latter to consist of four knights from each shire, and two representatives from every city, borough, and market town. For their greater convenience they were divided into three bodies: the clergy and commons of the counties south of the Trent, assembled at Northampton: those of the northern counties at York, with the exception of the clergy and commons of the bishopric of Durham, who met in that city, probably in virtue of some privilege belonging to it as a county palatine. All three were opened by commissioners from the king, who remained in Wales: nor did any inconvenience arise from the distribution of the whole parliament into separate bodies, sitting in different places, as each had no other business to transact than to grant an aid from those whom it represented.* About eight months later, at the conclusion of the war, the king summoned another parliament: but the number of cities and boroughs that returned members, was confined to twenty, and the writs were no longer directed to the sheriffs of the county, but to the mayors, bailiffs, and good men of the same cities and boroughs. In this parliament a different separation took place. The lords sat at Shrewsbury, and were employed in the trial and judgment of David prince of Wales: the clergy and commons assembled at Acton Burnel, and made the celebrated statute for the recovery of debts.† From that period Edward appears to have reverted to the ancient custom of raising money by tallages: and eleven years elapsed before the representatives of the cities and boroughs were again summoned to parliament: but in 1295 writs were directed to no fewer than one hundred and twenty towns, of which some were too poor to defray the expenses of their deputies, and on that account obtained an exemption from so burdensome an honour. The king, however, had reason to be gratified with the experiment: if the barons and knights of the shire gave him an eleventh, the new members voted a seventh of their moveables: the precedent was too valuable to be allowed to fall into disuse: the deputies of the towns were now regularly summoned; and their grants, as if the proportion had been already fixed, usually amounted to one third more than those of the higher orders. This indeed was the principal object for which their presence was required: with matters of state, men in their humble

* See the different writs on this occasion in Hody, 372. 378. 380. 382.

† Rym. ii. 249. St. 11 Ed. I.

situations could not be conversant: and they were therefore occasionally dismissed, while the peers continued their sittings. But they derived one great advantage from their attendance: they could confer with each other on their grievances: they could make them known to the crown: and with their grants of money they generally coupled petitions for redress.

Of the form of proceeding in these ancient parliaments we know little. At the opening of that which was held in 1305, proclamation was made by the king's command in the great hall of Westminster, at the bar of chancery, before the courts of king's bench and exchequer, in the guildhall, and in Westchepe, in the following words: "Know all men, who wish to present petitions to this parliament, that they deliver them from day to day till the first Sunday in Lent (during one week) at the furthest, to sir Gilbert de Roubiry, master John De Caam, sir John de Kirkeby, and master John Bush, or any one of them, who are appointed to receive them to the aforesaid time at the farthest."* At the termination of the session, the parliament was dissolved by the following proclamation: "All archbishops, bishops, and other prelates, earls, and barons, knights of shires, citizens, and burgesses, and all others of the commons, that are come to this parliament, by command of our sovereign lord the king—the king gives them many thanks for coming, and wills that for the present they go back to their homes, so that they return forthwith, and without delay, whenever they shall be recalled, except the bishops, earls, barons, justices, and others of the king's council, who must not depart without his special permission. To those who have business, leave is given to remain and to follow it. And the knights who are come for the shires, and the others for the cities and boroughs, may apply themselves to sir John de Kirkeby, who will give them briefs to receive their wages in their several counties."†

Form of proceeding.

II. The reader has already observed the impoverished state of the royal revenue under Henry III. As soon as Edward ascended the throne, he appointed in his first parliament commission-

Methods of raising money.

* The same persons were again appointed to receive petitions, and summoned for that purpose to another parliament held in September. The time for receiving petitions was fixed from the 15th of September to the 3d of October. Rym. ii. 966. Other persons were appointed to receive petitions from Scotland, Aquitaine, Ireland, and Guernsey.

† Ryley, 241. Rot. Parl. i. 159.

ers to inquire into the state of the fiefs held of the crown, and by that measure obtained several forfeitures of considerable value. Soon afterwards the law officers of the crown sued out writs of quo warranto to the judges of assize, directing them to inquire by what title the landholders held their estates, and claimed the liberties and immunities which they enjoyed. This inquest was a source of much vexation and general discontent. During the lapse of years, and amidst the revolutions of property, many families had lost their original deeds, and in that case their lands were adjudged to the king, and withheld from the owners, till the restoration had been purchased by an arbitrary fine. Even when the original deeds were produced, their validity was not admitted, till they had undergone the most rigorous scrutiny, and had been tried by every ordeal, which legal ingenuity could devise. At length the king consented to mitigate the rigour of his former instructions; and an undisturbed possession from the time of Richard I. was allowed to be pleaded as an effectual bar to the claims of the crown.*

The wars in which Edward engaged, necessarily involved him in extraordinary expenses; but the measures, by which he endeavoured to supply his wants, oppressive as they were at the time, ultimately proved a benefit to the subject, by provoking that resistance which confined the prerogative of the crown within more moderate limits.

Under the pretence of undertaking a crusade for the recovery of the holy land, he obtained from pope Nicholas IV. the tenth of all ecclesiastical benefices for the six following years: and that the grant might be more productive, the assessments were made by a new valuation taken upon oath. In 1294 he determined to make a serious effort for the recovery of Guienne; and to defray the expenses of the approaching campaign had recourse to a bold but despotic expedient. Commissioners were appointed to search the treasuries of every church and monastery: the monies deposited in them, whether they were the property of the monastic and clerical bodies, or had been placed there for greater security by private individuals, were entered on the rolls of the exchequer; and the principal sums, under the denomination of loans, were carried away for the use of the king. A few months later the citizens of London, assembled in common council, were induced by entreaties or threats to grant him a sixth of

1294.
July.

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† Waver. 235. 18 Ed. I. St. 2.

their personals: and commissioners were sent to all the other cities and boroughs to urge them to imitate the capital. The lords and knights of the shires reluctantly gave him a tenth: but he harangued the clergy himself, and finished by requiring half of their income, both from their lay fees, and their benefices. At this unprecedented demand they were filled with astonishment. A vigorous opposition was menaced: but their head, the archbishop of Canterbury, had previously left the kingdom: the dean of St. Paul's, whom they had sent to expostulate with the king, suddenly expired in his presence; and a knight, sir John Havering, unexpectedly entering the hall, addressed them in these words: "Reverend fathers, if there be any one among you, who dares to contradict the royal will, let him stand forth, that his person may be known and noticed as of one who has broken the king's peace." At this threat they submitted;* and the success of the experiment induced the king to repeat it in the following year. The representatives of the cities and boroughs were now summoned to parliament, and voted him a seventh. The lords granted an eleventh. From the clergy he demanded a third or fourth. They pleaded inability, but offered a tenth, which, after a scornful refusal and a delay of two months, was accepted. Alarmed by such heavy and repeated exactions, they began to look around for protection. Edward had recently employed the papal authority to enforce the payment of the tenths for the holy war: they had recourse to the same authority to shield them from the royal extortion: and Boniface VIII., at their prayer, published a bull, forbidding the clergy of any christian country to grant to laymen the revenues of their benefices without the permission of the holy see.† Under this plea, in the November following, they resisted the king's demand of a fifth; and obtained a respite till January, during which the royal seals

Refusal of
the clergy.

1296.

Feb. 24.

Nov. 3.

* West. 422. Wikes, 126. Walsing. 65. Knyghton, 2501. Duns. 629. Heming. 52. 54.

† In the bull the pope excommunicated all persons imposing unlawful burdens on the clergy, and all clergymen submitting to such burdens (Rym. ii. 706): but the next year (July 22d, 1297) in an explanatory bull he declared, that his former prohibition and censure did not extend to the voluntary aids granted by the clergy, nor to cases of necessity, when contributions were necessary for the safety of the kingdom, of which necessity the king and his council were the proper judges; nor to the diminution of any right, liberty, or custom, of which the king, barons, or temporal lords were in lawful possession. Spon. 322. Brady, iii. 54.

were fixed on their barns. On the appointed day commissioners were sent to require their answer: and the archbishop rising addressed them in the following words: "You know, sirs, that under almighty God we have two lords, the one spiritual, the other temporal. Obedience is due to both, but more to the spiritual. We are willing to do every thing in our power: and will send deputies at our expense to consult the pontiff. We entreat you to carry this reply to the king, for we dare not speak to him ourselves." Edward had already formed his re-

They are
outlawed.
Feb. 12.

solution. He consulted the lay peers, issued a proclamation of outlawry against the clergy both regular and secular, and took possession of all their lay fees, goods, and chattels for the benefit of the crown.* The lord chief justice of the king's bench thus announced the consequences in full court: "You that are here present, proctors and attorneys, for the archbishops, bishops, abbots, priors, and others of the clergy, take notice and acquaint your masters, that henceforth no manner of justice shall be done to them in any of the king's courts, for any injury how grievous soever: but that justice shall be had against them by every one that will complain and require it of us."†

And submit
Feb. 6.

Before the king's writs were issued, the archbishop of York, with his clergy, had compounded by the grant of a fifth, to avert the royal displeasure.‡ In the province of Canterbury the officers of the crown took possession of all clerical property, both real and personal, with the exception of what was contained within the precincts of churches and cemeteries: and at the same time intimation was made to the owners, that whatever was not redeemed before Easter, would be irrevocably forfeited to the king. The convocation assembled on midlent Sunday. According to ancient custom, it divided itself into four bodies, composed of the archbishop and bishops, the abbots and priors, the deans and archdeacons, and the proctors of the parochial clergy. Before they began their deliberations,

Mar. 26.

a royal message was received, forbidding them under the severest threats, to proceed to any measure prejudicial to the rights of the crown; or to pronounce any censure against persons employed in the king's service, or such as had already submitted to his will.§ At the same time they were reminded that Edward no longer asked them for

* Apud Brady, iii. App. No. 18.

† Thorn. 1965. Knyghton, 2491. Heming. 107, 108.

‡ Brady, iii. App. No. 19.

§ Ibid. No. 23.

an aid, but required a heavy fine for their contempt of the royal authority. It was in vain that this nominal distinction was thrown out to open a way to submission. As long as they remained together, their constancy was invincible: they adhered to their former resolution, and determined to suffer with patience every privation. But the moment the convocation was dissolved, a few eagerly sought the royal favour: their example quickly gained proselytes: some paid the fine: others deposited sums of money in places where they might be seized by the officers of the exchequer: and others purchased at arbitrary prices letters of protection. Still there remained many, who refused to descend to such expedients, and contrived to weather out the storm through the aid of their relatives, or the commiseration of their neighbours. The archbishop, a man of inflexible resolution, retired with a single chaplain to a parsonage in the country, where he discharged the functions of the curate, and subsisted on the alms of the parishioners. Of his suffragans, the bishop of Lincoln alone imitated his example. But the friends of that prelate voluntarily subscribed the sum required by the king, and obtained the restoration of his temporalities.*

Had Edward confined his rapacity to the clergy, he might perhaps have continued to despise their remonstrances: but the aids which he had annually raised on the freeholders, the tallages which he so frequently demanded of the cities and boroughs, and the additional duties which he extorted from the merchants, had excited a general spirit of discontent. Wool and hides were the two great articles of commerce, the exportation of which was allowed only to foreign merchants, and confined by law to eleven ports in England, and three in Ireland. In the beginning of his reign the duty had been raised to half a mark on each sack of wool: but the royal wants perpetually increased: and during his quarrel with the king of France, he required five marks for every sack of fine, three for every sack of coarse wool, and five for every last of hides. On one occasion he extorted from the merchants a loan of the value of all the wool, which they exported: on two others, he seized and sold both wool and hides for his own profit. He even stretched his rapacious hands to the produce of the soil, and the live stock of his subjects: and to provision his army in Guienne, issued precepts to each sheriff to collect by assessment on the landholders of his county, a certain number of

Seizures of
wool, &c.

* Dunst. 651—655. West. 429. Wals. 68. 69. Heming. 109, 110.

cattle, and two thousand quarters of wheat.* Though this requisition was accompanied with a promise of future payment, the patience of the nation was exhausted. Consultations began to be held; and preparations were made for resistance. Edward had assembled two bodies of troops, with one of which he intended to sail to Flanders, the other he destined to reinforce the army in Guienne. At

1297.
Feb. 24.

Salisbury he gave the command of the latter to Bohun earl of Hereford, the constable, and to Bigod earl of Norfolk, the mareschal of England: but both these noblemen refused the appointment, on the alleged ground, that by their office they were bound only to attend on the king's person. Edward, in a paroxysm of rage, addressing himself to the mareschal, exclaimed: "By the everlasting God, sir earl, you shall go or hang." "By the everlasting God, sir king," replied Bigod, "I will neither go nor hang." Hereford and Norfolk immediately departed: they were followed by thirty bannerets, and fifteen hundred knights: and the royal officers, intimidated by their menaces, ceased to levy the purveyance. Edward saw that it was necessary to dissemble, and summoned some, requested others, of his military tenants to meet him in arms in London.†

Opposition
of the earls
of Hereford
and Nor-
folk.

The two earls, in concert with Winchelsey, the archbishop of Canterbury, had arranged their plan of resistance to the royal exactions. On the appointed day the constable, and John de Segrave, as deputy mareschal (Bigod himself was detained at home by sickness) attended the king's court:

July 8. but when they were required to perform their respective duties,‡ returned a refusal in writing, on the ground that they had not received a legal summons, but only a general invitation. Edward appointed a new constable and mareschal; and, to divide and to weaken his opponents, sought to appease the clergy, and to move the commiseration

July 11. of the people. He received the primate with kindness, ordered the restoration of his lands, and named him one of the council to prince Edward, whom he had appointed regent. On a platform before the entrance of Westminster hall, accompanied by his son, the archbishop, and the earl of Warwick, he harangued the people. He own-

* Knyght. 2501. Dun. v. 418. Wals. 69. Heming. 110, 111.

† Heming. 112.

‡ These duties were to call all the military tenants before them, enrol their names, the number of their followers, the time they were to serve, &c. Rym. ii. 783.

ed that the burdens, which he had laid on them, were heavy: but protested that it had not been less painful to him to impose, than it had been to others to bear them. Necessity was his only apology. His object had been to preserve himself and his liege men from the cruelty and rapacity of the Welsh, the Scots, and the French, who not only sought *his* crown, but also thirsted after *their* blood. In such case it was better to sacrifice a part than to lose the whole. "Behold," he concluded, "I am going to expose myself to danger for you. If I return, receive me again, and I will make you amends: if I fall, here is my son; place him on the throne; and his gratitude shall reward your fidelity." At these words the king burst into tears: the archbishop was equally affected: the contagion ran through the multitude: and shouts of loyalty and approbation persuaded Edward that he might still depend on the allegiance of his people. This exhibition was followed by writs to the sheriffs, ordering them to protect the clergy from injury, and to maintain them in the possession of their lands.*

July 14.

July 31.

He now ventured to proceed as far as Winchester on his way to Flanders. But here he was alarmed by reports of the designs of his opponents, and ordered letters to be sent to every county, stating the origin of his quarrel with the two earls, asserting that he had never refused any petition for redress, and promising to confirm the charter of liberties and charter of the forests, in return for the liberal aid of an eighth which had been granted by the council in London.† Soon afterwards a paper was put into his hands, purporting to be the remonstrance of the archbishops, bishops, abbots, and priors, the earls, barons, and whole commonalty of England. In it they complained that the last summons had been worded ambiguously: that it called on them to accompany the king to Flanders, a country in which they were not bound to serve by the custom of their tenures: that, even if they were, they had been so impoverished by aids, tallages, and unlawful seizures, as to be unable to bear the expense: that the liberties granted to them by the two charters had been repeatedly violated: that the "evil toll" (the duty) on wool amounted alone to one fifth of the whole income of the land: and that to undertake an expedition to Flanders, in the existing circumstances,

Their remonstrance.

Aug. 12.

* Compare Hemingford, 113, 114. West. 70. Knyghton, 2510, with the writs in Rymer, ii. 783, and Brady, iii. App. No. 29, 30.

† Rym. *ibid.*

was imprudent, since it would expose the kingdom without protection to the inroads of the Welsh and Scots. Edward replied, that he could return no answer on matters of such high importance without the advice of his council, a part of which had already sailed for Flanders: that if the remonstrants would accompany him, he would accept it as a favour;

Aug. 19. if they refused, he trusted they would raise no disturbance during his absence. Before his departure he appointed commissioners in each county with powers to require security from all persons for the payment of aids due to the crown, and to imprison the publishers of false reports, the disturbers of the peace, and such of the clergy as might presume to pronounce censures against the royal officers for the discharge of their duty.*

The king sails to Flanders. Aug. 22. At length the king sailed, accompanied by the barons and knights who had espoused his cause: and two days later Bohun and Bigod with a numerous retinue proceeded to the exchequer. The constable, in presence of the treasurer and judges,

Aug. 24. complained of the king's extortions, of his illegal seizures of private property, and of the enormous duty imposed upon wool: and forbade them, in the name of the baronage of England, to levy the last eighth which had been granted by the great council, because it had been voted without his knowledge and concurrence, and that of his friends.† From the exchequer they rode to the guildhall, where they called upon the citizens to join in the common cause, and to aid in wresting the confirmation of the national liberties from a reluctant and despotic sovereign. The tears which the Londoners had shed during Edward's harangue, were now dried up: considerations of interest suppressed the impulse of pity: and they gave assurances of their co-operation to the barons, who immediately retired to their respective counties. Both during their progress to the capital, and their return from it, they had marched in military array. But at the same time they had been careful to preserve the peace; and had threatened by proclamation to punish every lawless aggressor with the immediate amputation of a hand, or the loss of the head, according to the quality of the offence.‡

* Heming. 115—117. Knyght. 2511. Wals. 71. Rym. ii. 788.

† Edward said it had been granted by the great lords, who were with him: *les graunt seigneurs, qui n'adguers furent ove lui* (Rym. ii. 784:) Bohun objected, that his friends had no knowledge of it. *De conscientia suorum non emanasse.* West. 431.

‡ West. *ibid.* Heming. 117. Knyght. 2512. Wals. 72.

The king was soon informed of these proceedings, and ordered the barons of the exchequer to disregard the prohibition. But in a few weeks his obstinacy was subdued by a succession of untoward events. The people and clergy universally favoured the cause of the earls: the Scots after their victory at Stirling, had burst into the northern counties: and Edward himself lay at Ghent in Flanders, unable to return to the protection of the kingdom, and too weak to face the superior force of the French king. In these circumstances the lords who composed the council of the young prince, invited the archbishop, six prelates, twenty-three abbots and priors, the constable and mareschal and eight barons to treat with them on matters of the greatest moment, and summoned a parliament to meet at London a week later, and witness the confirmation of the two charters.* In the conferences which preceded, the two parties, though opposed in appearance, had the same interests and the same views: a form of peace (so it was called) was speedily arranged: and to the ancient enactments of the charters were appended the following most important additions. “No tallage or aid shall henceforth be laid or levied by us or our heirs in this our realm, without the good will and common assent of the archbishops, bishops, and other prelates, the earls, barons, knights, burgesses, and other free men in our realm.—No officer of us or our heirs shall take corn, wool, hides, or other goods of any person whatsoever, without the good will and assent of the owner of such goods. Nothing shall henceforth be taken on the sack of wool under the name or pretence of the evil toll.—We also will and grant for us and our heirs that all both clergy and laity of our realm shall have their laws, liberties, and free customs, as freely and wholly as at any time when they had them best; and if any statutes have been made or customs introduced by us or our ancestors contrary to them or to any article in the present charter, we will and grant that such statutes and customs be null and void for ever.—We have moreover remitted to the earl constable, and earl mareschal and all their associates, and to all those who have not accompanied us to Flanders, all rancour and ill will, and all manner of offences which they may have committed against us or ours before the making of this present charter.—And for the greater assurance of this thing we will and grant for us and our heirs, that all archbishops and bishops in England forever, shall twice in the

The prince grants the statute de tallagio non concedendo.

Sep. 30.

* Brady, Hist. iii. App. No. 33. Rym. ii. 793.

year after the reading of this charter in their cathedral churches excommunicate, and cause in their parochial churches to be excommunicated, all those, that knowingly shall do or cause to be done any thing against the tenor, force and effect of any article contained in it.”*

The king forced to confirm it. Oct. 10. When the parliament assembled, these additions to the charter were received with enthusiasm: and, provided the king would assent to them, the laity voted him an eighth, the clergy of Canterbury a tenth, and the clergy of York a fifth.

The prince, by a public instrument, took the earls and their associates under his protection: and the lords of the council bound themselves to indemnify them against the effects of the royal displeasure. A common letter was written to the king, soliciting him to appease all differences by giving his assent, and assuring him that his faithful barons were ready at his command either to join him in Flanders, or to march against his enemies in Scotland: but at the same time requiring in a tone of defiance an answer against the sixth day of December. It cost the haughty mind of Edward several struggles before he could prevail on himself to submit: three days were spent in useless deliberation and complaints: but at last with a reluctant hand he signed the confirmation of the two charters with the additional articles, and a separate pardon for the earls and their followers.†

The confirmation is repeated. This was perhaps the most important victory which had hitherto been gained over the crown. By investing the people with the sole right of raising the supplies, it armed them with the power

of checking the extravagance, and controlling the despotism, of their monarchs. Whatever jealousy might be entertained

of Edward's intentions, his conduct wore at first the semblance of sincerity. As soon as an armistice had been concluded between him and the

king of France, he returned to England, and appointed commissioners to inquire into the illegal seizures which had been

made previously to his departure. They were to be divided into two classes. Where the officers had acted without warrant, they were at their own cost to indemnify the sufferers: where the goods had been taken

* Heming. 141. In the printed statutes it is placed by mistake under the 34th year of the king.

† Stat. 25 Ed. I. St. 1. Brady, iii. App. No. 34. Knyght. 2522—2524. Heming. 138—143. West, 431. Wals. 73, 74.

by the royal orders, their value was to be certified into the exchequer, and prompt payment was to be made.* Still it was suspected that he only waited for a favourable moment to cancel the concessions which had been wrung from him by necessity: and it was whispered that among his confidential friends he had laughed at them as being of no force, because they had been made in a foreign country, where he possessed no authority. When he met

May.

his parliament at York, the earls of Hereford and Norfolk required that he should ratify his confirmation of the charters. He objected the necessity of hastening to oppose the Scots, solemnly promised to comply with their request on his return, and brought forward the bishop of Durham and three earls, who swore "on his soul" that he should fulfil his engagements.† The victory of Falkirk and a long series of success gave a lustre to his arms; but when the parliament assembled the next year, the king was reminded of his promise. His reluctance em-

1299.
March.

ployed every artifice to deceive the vigilance, or exhaust the patience of the two earls. He retired from the parliament in anger: he returned and proposed modifications: at last he ratified his former concessions, but with the addition of a clause, which by saving the rights of the crown, virtually annulled every provision in favour of the subject. Bohun and Bigod instantly departed with their adherents: and the king, to ascertain the sentiments of the people, ordered the sheriffs to assemble the citizens in the cemetery of St. Paul's, and to read to them the new confirmation of the charters. The lecture was repeatedly interrupted by shouts of approbation: but when the illusory clause was recited, the air rang with expressions of discontent, and curses were poured on the head of the prince, who had thus disappointed the expectations of his people. Edward took the alarm; summoned a new parliament to meet him within a fortnight; granted every demand; and appointed a commission of three bishops, three earls, and three barons, to ascertain the real boundaries of the royal forests.‡

April.

Though the earl of Hereford died soon after the dissolution of parliament, his partisans did not relax in their exertions. In the next session they complained that the law was but a dead letter, and that the

With new
additions.

* Rym. ii. 813.

† Wals. 76. Heming. 159.

‡ West. 431. Heming. 168. Stat. 27. Ed. I. St. 1.

royal officers refused to carry it into execution. To satisfy them Edward was compelled to repeat his concessions, and to grant additional articles, by which it was enacted that the charters should be publicly read in the sheriff's court four times every year, and that three knights of each county should be elected by the freeholders, and be empowered by the king to punish summarily every offence against them, for which a remedy had not been provided at common law.* During the year the perambulation of the forests was completed, and in the following parliament it was enacted, that "whatever according to the return of the perambulators was situated without the forests should remain so, and whatever was situated within them, should be accounted forest land for ever."†

Notwithstanding the facility with which Edward had of late assented to the demands of the barons, he cherished a secret hope of being one day able to resume those claims, the surrender of which had been wrested from him by the necessity of appeasing his subjects. In 1304 Scotland was subdued. He had already intimidated his former opponents by successively punishing them for their opposition to his interests. The earl marshal, and the son of the earl constable, had been induced to surrender their estates and honours into his hands:‡ and the principal of the patriot barons under different pretences had been compelled to make him considerable presents.§ From Stirling, as if his concessions and confirmations of the charters had never existed, he sent commissioners to raise a tallage on all the cities and

* Stat. 28 Ed. I. St. 3.

† Brady, iii. 72.

‡ Edward returned his estates and honours to the earl of Norfolk, but limited to him and his issue by his wife Alice. He died three years after without issue, by which both reverted to the crown. Bohun surrendered his estates and honours Oct. 8, 1302, and recovered them two years later on his marriage with Elizabeth, the king's seventh daughter, and relict of the earl of Holland. Brady, iii. 74. 76.

§ West. 452. Winchelsey had the honour of suffering with his friends. Edward charged the primate with having entered into a treasonable conspiracy during his absence in Flanders. The pontiff suspended him provisionally from his functions, and summoned him to plead his cause in the papal court. He remained two years in exile: but returned with honour after the death of the king. Birchington praises him for his resistance to Edward's exactions, and his constancy in defending the rights of the people. *Regem in parliamentis et conciliis super suis abusioibus redarguit, et ad omne bonum quod potuit, monuit et induxit, non permittens ipsum errare, quatenus scire potuit, quin ipsum reprimeret, ut ab oppressionibus populi et exactionibus desisteret, et bonis operibus inhaereret.* Ang. Sac. i. 17.

boroughs of his demesne, according to their wealth and sufficiency, either by a capitation-tax, or an impost in common, as might be most to his advantage. Nor was this illegal measure resisted or resented. In the next parliament he silenced the complaints of the barons by granting them permission to raise a similar tallage on their own tenants.* Before he left Scotland he sent a deputation to the pope. Its object was a profound secret at the time, but has been revealed to posterity by the papal answer. The envoys informed his holiness that, during the king's absence in Flanders, a conspiracy had been formed against him by some of his barons, who extorted from him certain unjust concessions, in violation of the oath which he had taken at his coronation; and, exhibiting to him an attested copy of the bull by which Clement IV. had annulled the different compacts between Henry III. and the earl of Leicester, they prayed that he would imitate the conduct of his predecessor. The answer with which they returned, declared all such concessions invalid; but this declaration proceeded on the supposition that the concessions were contrary to the rights of the crown, which the king had sworn to transmit to his posterity, and was accompanied with a clause saving to his subjects all the rights of which they were previously in possession.† Whether it were that with these limitations the papal rescript did not fully meet the king's wishes, or that he was intimidated by the rebellion of the Scots, he made no public use of its contents: but suffered the concessions, galling as they were, to remain on the statute roll at his death, and to descend to future sovereigns as the recognised law of the land.‡ Thus, after a long struggle, was won from an able and powerful monarch the most valuable of the privileges enjoyed by the commons of England at the present day. If we are indebted to the patriotism of cardinal Langton, and the barons at Runnymede, the framers of the great charter; we ought equally to revere the memory of archbishop Winchelsey, and the earls of Hereford and Norfolk. The former erected barriers against the abuse of the sovereign authority: the latter fixed the liberties of the subject on a sure and permanent foundation.

But if the king met with opposition in his attempts to plunder his own people, there was one race of men, whom he was

* Brad. iii. 97. Rot. Parl. i. 161.

† Rym. ii. 972. 378.

‡ Stat. 34. Ed. I. t

1305.
Dec. 29.

King persecutes the Jews.

permitted to plunder and oppress with impunity. The Jews had been originally introduced into England under William the conqueror: and, though they were fettered with restrictions, subject to extortion, and often murdered by the populace, had in the course of two centuries, considerably increased both in numbers and opulence. They were to be found in all commercial towns: their principal residence was a portion of London, distinguished by the name of "the Jewry." In spiritual matters they obeyed a high priest of their own choice, but confirmed by a patent from the crown: in temporals they were placed under the jurisdiction of a christian officer named by the king, and called the justiciary-of the Jews. It has been already noticed, that they professed to lend money upon interest: and the fines and forfeitures, the aids and tallages of the feudal governments, afforded them ample opportunity for the exercise of their favourite pursuit. In Henry, though it cost them enormous sums, they had found a protector: Edward, and it is difficult to account for his policy, always professed himself their enemy and persecutor. It is easy to account for the hatred of the people, who considered them as an accursed race, the descendants of those who had crucified the Saviour, and as usurers, accumulating riches at the expense of the christians. But why should the king, superior as he must have been to the prejudices of the vulgar, carry his enmity further than any of his predecessors, and at last deprive himself of a resource, to which they had so often and so successfully applied? In the first year after his coronation the Jews were forbidden to erect synagogues, to hold fiefs or any free tenement, and to demand interest for the loan of money: every Israelite of the age of seven years was commanded to sew on his outer garment as a mark of distinction two tablets of woollen cloth of a yellow colour, six inches long and three inches broad: and all of both sexes above the age of twelve were subjected to a capitation-tax of three pennies to be paid annually at Easter.* Excluded from their accustomed sources of profit, this money-making race

* Rym. ii. 83. Stat. at large, x. App. p. 28. Duns. 429. 431. Wikes, 103. The badge was meant to represent the two tables of the law. Waver. 231. The tax was paid as an acknowledgment that they were the king's slaves, *au Roi, que serfs ils sont*. Stat. *ibid*. They could plead or be impleaded in none but the king's courts, because they were his slaves—they were not to pay tallages on account of their chattels with other merchants, but at the king's pleasure, because they were his slaves.—As, however, it was the will of the holy church that they should live and be protected, he took them under his protection, and granted them his peace. *Ibid*.

adopted another expedient: they clipped the coin, a fraud of which the detection was difficult, as long as the silver penny might be lawfully divided into halves and farthings. If we may judge from the punishment, the crime must have been almost universal among them. On the same day all the Jews suspected of the offence were apprehended: the discovery of clipped money in their possession was taken as an evidence of their guilt: the trials occupied a special commission for some months: two hundred and eighty of both sexes were hanged in London, and perhaps as many more in the country: and the houses and property of the sufferers were confiscated to the crown.*

1279.

The sufferings, however, of this unhappy people were not yet at an end. In 1287, on an appointed day, all the Jews in England, without any distinction of age or sex, were arrested, thrown into prison, and confined till they had purchased their liberty by a present to the king of twelve thousand pounds.† Three years later, in 1290, their doom was fixed. The whole race was ordered by proclamation to quit the kingdom for ever, within the space of two months, and under the penalty of death. The number of the exiles was sixteen thousand, five hundred and eleven, who were furnished with passports by the king, and allowed to carry with them a competent supply for their journey: but their houses and lands, treasures and debts, were confiscated for the benefit of the crown. It is said that during their passage, many perished through the hatred or rapacity of the mariners, of whom several were afterwards convicted, and suffered the punishment due to their crime.‡

They are
banished.
1287.
May 2.

Aug. 31.

Nov. 1.

III. Notwithstanding these instances of oppression, Edward has obtained the name of the English Justinian, from the improvements which were made during his reign in the national code, and the administration of justice: improvements for which his people were perhaps as much indebted to his necessities as his wisdom: since they were always granted at the request of his parliament, and purchased with the vote of a valuable aid. That the courts of king's bench, exchequer, and common pleas, might not encroach on each other, the limits of

Improve-
ments in
the laws.

* West. 409. Duns. 450. Wals. 48. Several christians were also indicted for the same offence. Some were executed, others redeemed their lives. Soon after a new coinage was issued. West. *ibid.* Wikes, 108. Dun. 452.

† Wikes, 114.

‡ Duns. 584. Wikes, 122.

their respective jurisdictions were accurately defined: and that the courts christian might not assume the undue cognizance of temporal rights, they were confined to matrimonial and testamentary causes, the non-payment of customary tithes, perjury, defamation, mortuaries, and the infliction of public penance. The institution of itinerary judges was retained: and, for the more prompt administration of justice, it was enacted that two of the number, aided by one or more discreet knights, should hold assizes in each county thrice in the year.* These officers might not be deficient in learning or talents; but there is great reason to doubt their integrity.

Punish-
ment of
judges.

With small salaries they amassed immense riches: and when the king, after an absence of three years, returned to England in 1289, all the judges were apprehended, and indicted for bribery. Two only were acquitted. Weyland, the chief justice of the king's bench, was found guilty of having first instigated his servants to commit murder, and then screened them from punishment. He abjured the realm, and all his property, both real and personal, was adjudged to the king.† Stratton the chief baron of the exchequer, suffered a long imprisonment, was deprived of his lay fees, and paid a fine of thirty-four thousand marks. Sir Ralf de Hengham the grand justiciary, and regent during the king's absence, was amerced in the sum of seven thousand; the rest in smaller sums, amounting in the aggregate to twenty-four thousand marks.

Justices of
peace.

For the preservation of the peace was enacted the celebrated statute of Winchester, which revived the ancient custom of requiring sureties from strangers and lodgers, established the watch and ward from sunset to sunrise in all cities and boroughs; regulated the hue and cry; and ordered all hedges and underwood to be cleared away to the distance of two hundred feet on each side of the high roads leading from town to town, that they might not

* Stat. 13 Ed. I. c. 3.

† The history of Weyland is curious. He escaped from custody, disguised himself, and was admitted a novice among the friars minors at St. Edmundsbury. His retreat was however discovered: but as he was in a sanctuary, forty days were allowed him according to law, after which the introduction of provisions into the convent was prohibited. The friars soon left it through want: Weyland followed them, and was conducted to the Tower. In the king's council the option was given to him to stand his trial, to be imprisoned for life, or to abjure the realm. He chose the latter: and having walked barefoot and bareheaded with a crucifix in his hand to the sea side, was immediately transported. See Dunst. 573—577. Wikes, 118, 119.

afford shelter to robbers.* These regulations, however, were ill observed, till the king issued a commission to certain knights in every shire, authorizing them to enforce the provisions of the act, and to call to their aid the posse of the sheriff as often as it might be requisite. The utility of these commissioners was soon ascertained: they were gradually armed with more extensive powers: and instead of conservators were at last styled justices of the peace. But during Edward's expeditions into Scotland they were unable to suppress the bands of ruffians, who assembled in different places, hired themselves to the best bidder, and became the executioners of private vengeance, or the ministers of individual rapacity. These excesses, however, ceased with the submission of the Scots. An extraordinary commission of justices of traylebaton (so they were called from their staves of office) proceeded from county to county, and by condemning, after a summary trial, many of the offenders to the gallows, so intimidated the rest, that they precipitately quitted the kingdom.†

1365.
April 6.

During Edward's reign several alterations were made in the laws respecting the transmission or alienation of real property, which are wholly or partially in force at the present day. Originally lands were given to a man and the heirs of his body, in failure of which heirs they were to return to the donor: but it had been held by the judges that on the birth of an heir the condition was fulfilled. The feoffee could then aliene as he pleased, and he was generally careful to make his fee-simple absolute, so that it might descend by common law to his heirs general. The barons complained that by this expedient the will of the donor, and the rights of his successors, were unjustly defeated: and a law was enacted, taking from the feoffee the power of disposing of his lands, and ordaining that they should descend in the terms of the original grant, and in failure of issue revert to the donor, or the heirs of the donor. The object of this statute was to preserve the rights of the lord: its effect, though that does not appear to have been contemplated by the legislature, was to secure the transmission of estates through the different generations of the same family, by depriving the actual possessor of the power of alienation.‡

Creation
of estates
tail.

Another very important alteration regarded the conveyance of lands. At the commencement of Edward's reign, every tenant, who possessed

Manors
prohibited:

* Stat. 13 Ed. I. St. 2.

† Ryley, 280.

‡ Stat. 13 Ed. I. c. 1.

freehold lands of inheritance, could convert his property into a manor, with manorial courts, profits, and immunities, by granting or selling a portion of it to two or more individuals, to be held by them and their heirs for ever, under free or military service. By this system of subinfeudation manors were multiplied beyond measure: and the great barons discovered that they were deprived of the escheats, reliefs, and wardships, of the lesser freeholders, which by the condition of their tenures were reserved to the immediate lords of whom they held their lands. Repeated complaints gave birth to the statute of the eighteenth of this prince, by which the creation of new manors was prohibited, and it was enacted, that in all sales or grants of land for the future, the new feoffee should hold his land, not of the individual from whom he received or purchased it, but of the chief lord of the fee. Hence it is, that at the present day no claim of manorial rights is admitted, unless they have existed as such since the year 1290.*

I shall notice only one more alteration, which the king appears to have had much at heart, and in which he was in a great measure defeated by the ingenuity of his opponents; I mean the statutes enacted to prevent corporate bodies, ecclesiastical or secular, from acquiring lands in mortmain. For as such bodies cannot die, the immediate lords of those lands were deprived of the escheats, reliefs, wardships, and other feudal profits, which they derived from the decease of individual proprietors. To remedy the inconvenience bodies corporate had long been incapacitated from acquiring lands without the previous consent both of the mesne lord, and the king: but they had found means to evade the prohibition by taking leases for very long terms of years, or by purchasing estates, which were held bona fide of themselves. In 1279 a statute was passed, by which all alienations in mortmain, by whatever art, or under whatever pretext they might be effected, were forbidden on pain of forfeiture to the immediate lord, or, in his default during a year, to the lord paramount; and in default of both, to the king.† But an expedient was soon discovered by which the provisions of the statute were eluded. A secret understanding took place between the parties: the body wishing to obtain the land set up a fictitious title: and the real proprietor, by collusion, suffered judgment to be given against him. This was the origin of common recoveries, which are still in use.

* Stat. 18 Ed. I. c. 1. Rot. Parl. tom. i. p. 41.

† Stat. 7 Ed. I. St. 2. There are, however, several instances in which the king granted licenses for the alienation of lands in mortmain. See Rym. ii. 664. 1004.

The king was indignant when he saw himself foiled in this manner, and in 1285 a new statute was passed, by which all such cases were sent to a jury, and wherever fraud was discovered, the land was forfeited to the immediate lord.* Still the ingenuity of the clergy, who were principally interested in the contest, was not exhausted. They distinguished between the possession and the use; estates were no longer conveyed to the body corporate, but to others for its use: and thus, while the seisin of land was in the nominal feoffee, all its profits and emoluments came to the possession of those for whom the vender or grantor originally intended it.†

It had employed Edward thirteen years to forge the fetters of Scotland: in less than six months she was again free. - To understand this important revolution, we must advert to the rival houses of Baliol and Bruce. Baliol was dead: and before his death he had more than once renounced for himself and his posterity all right to the crown. As the renunciation had been made in captivity, and was the effect of compulsion, it would probably have been disregarded by the Scots: but his only son was a prisoner in the tower of London, and the task of supporting the rights of the family devolved on the next heir, John Comyn of Badenoch, the son of Marjory, Baliol's sister: a nobleman already distinguished by his efforts to recover the independence of his country. From the fatal battle of Falkirk to the last expedition of Edward, he had directed as guardian the councils of Scotland. To the king of England he had long been an object of peculiar jealousy: at the late pacification a sentence of temporary banishment had been pronounced against him; and, if that sentence had been recalled, he had still been fined in thrice the amount of his yearly income.

State of
Scotland.

The pretensions of Robert Bruce, the original competitor, had descended to his grandson, of the same name, and about twenty-three years of age. The Bruces, animated by a spirit of opposition to the Baliols, had hitherto done little for their country. The grandfather had been the first to acknowledge the superiority of the king of England: the son, when Baliol drew the sword of independence, hastened to join the hostile banners of Edward: and the grandson, unable to discern his real interest, had continually oscillated between the two parties. As often as a gleam of success enlivened the hopes of the patriots, he became a willing convert to the same holy cause: at the approach of Edward, the apostate was always eager to make his peace with the conqueror, and to redeem

* Stat. 13 Ed. I. c. 32.
VOL. III.

† See Stat. 15 Rich. II. c. 5.
28

his past disloyalty by new services. At the present time he enjoyed the favour and confidence of that prince, who had consulted him on the late settlement of Scotland, and had remitted to him the payment of the relief due for the lands which his father had held in England.

Murder of Comyn.
1306.
Feb. 10. It chanced that both Comyn and Bruce arrived at Dumfries about the same time, probably to meet the new justiciaries who were holding their court in the town. Bruce requested a private conference in the choir of the church of the Minorites: and the very selection of the place warrants a suspicion that the two chiefs had reason to be on their guard against each other. Whether it were the consequence of premeditated treachery, or only the sudden impulse of passion, will be for ever unknown: but they met; the conversation grew warm; and Bruce plunged his dirk into the breast of Comyn, saw him fall, and hurried to the church door. He appeared pale and agitated: and to the inquiries of his attendants replied: "I think I have killed Comyn."—"You only think so!" exclaimed one of the number, and hastened with his companions into the church. Comyn still breathed, and with proper care might have lived. The friars had conveyed him behind the altar: and his uncle, sir Robert Comyn, had been called to his assistance. At the approach of the assassins sir Robert drew his sword, and was slain by Christopher Seaton, the brother-in-law of Bruce. Kilpatric springing forwards to Comyn, plunged his dagger into the heart of the unresisting victim.*

This is all that is known, perhaps more than is really known, respecting the cause, and the circumstances of the murder. But the Scottish historians are better informed. They tell us, that Comyn had bound himself by oath and indenture to support the claim of Bruce to the crown: that he afterwards betrayed the secret to Edward, who one evening over the bottle revealed his intention of putting the whole family to death: that the earl of Gloucester gave Bruce a hint of his danger, by sending him a pair of spurs and twelve silver pennies: that the patriot, to prevent his being tracked in the snow, ordered the shoes of his horses to be inverted, rode through by ways from London to Lochmaben in seven days, and meeting on the road a foot-traveller of suspicious appearance, killed him, and found on his person letters from Co-

* Compare Hem. 219. West. 453. Knyght. 2494. Walsing. 91. Ford. xii. 7. Hailes, i. 292. The cause assigned by the old poet, whose lines are preserved by Fordun, is the ancient quarrel between the two families.

Causa suæ mortis est vetus discordia fortis.—Ford. xii. 7.

myn to Edward: that he went immediately to Dumfries, sent for Comyn to the church, showed him the intercepted letters, and, receiving from him the lie, despatched the traitor.* This romantic tale was long believed by the gratitude and partiality of the people: but later writers of the same nation have proved that in all its circumstances it is liable to strong objections, in many is contradicted by satisfactory evidence. There can be little doubt that it is a fiction, purposely invented to wash the guilt of blood from the character of Robert I., and to justify a transaction, which led to the recovery of Scottish independence.

Edward was rather irritated than alarmed at the intelligence. That so foul a murder could overturn his superiority, was an idea which never entered his mind: but, enfeebled as he was by years and disease, he looked forward with reluctance to the possibility of a war. Orders were sent to his lieutenant Aymar de Valence earl of Pembroke, to chastise the presumption of Bruce: and all the young nobility of England were summoned to receive, in company with prince Edward, the honour of knighthood. The more distinguished he admitted into the palace: for the accommodation of the others, tents were erected in the gardens of the Temple; and all received from the royal wardrobe vests of silk, and mantles of purple and gold. The king was too weak to expose himself to the heat caused by the crowd. He knighted his son in the hall of the palace: and the young prince, in the abbey church, conferred the same honour on his two hundred and seventy companions. It was the custom for the new knight to make a vow, the object of which was generally suggested by the circumstances of the time: but the vows of chivalry were not taken on the gospels, but, ridiculous as it may appear, in the presence of a peacock, or pheasant, or other bird of beautiful plumage. During the royal banquet, the minstrels placed on the table two swans in nets of gold. The king immediately vowed

Edward
vows re-
venge.

* Fordun, xii. 5—7. Boece, xii. Buch. viii. The genius of Hume has improved and embellished this tale. He first gilds the spurs sent by the earl of Gloucester, and changes into a purse of gold the paltry present of twelve pennies. Then, having conducted the hero to Dumfries with the Scottish writers, he adopts the opinion of the English, that the dispute arose respecting the succession to the crown, and therefore introduces Bruce to a council of Scottish nobles most providentially assembled at the very moment, astonishes them with the beauty, the address, and the eloquence of the young patriot, composes for him an elegant harangue, and puts a string of cautious objections into the mouth of Comyn. The assembly breaks up: Bruce, in a fit of indignant patriotism, pursues Comyn, and the murder is perpetrated.—But all this again is fiction!

before God, and the swans, that he would revenge the death of Comyn, and punish the perfidy of the rebels: and then addressing the company, besought them, in the event of his death on the expedition, to keep his body unburied, till they had enabled his son to accomplish his vow. The son swore, that he would not sleep two nights in the same place, till he had entered Scotland to execute his father's commands: the rest applauded his oath, and imitated his example. The next morning the prince, with his knights companions, departed for the borders: Edward himself followed by easy journeys; and his military tenants received writs to join him at Carlisle in the beginning of July.*

Disasters of
Bruce.

Bruce, by the murder of Comyn, had staked his life: he could save it only by winning a sceptre. He assumed the title of king, summoned the Scots to his standard, and was crowned without any opposition at Scone. When his wife, the daughter of the earl of Ulster, was informed of the coronation, she ventured to express a hope that he, who was a king in summer, might not prove an exile in winter. These words were noticed as a prediction: but it required not the spirit of prophecy, to foretel the disasters, which attended the first efforts of the new monarch. In the wood of

June 19.

Methuen, and the neighbourhood of Perth, six of his bravest knights were made prisoners by Pembroke: and Bruce himself thrown from his horse, must have shared their lot, had he not been rescued by Seaton. The Grampian hills offered a retreat to the fugitives: the deer of the forest, and fish of the stream, supplied them with food: occasionally they descended to the lowlands, and as often returned at the approach of the English: and during two months wandered like outlaws through Breadalbane and Athol. But their sufferings were lessened by the attentions of their female relatives, who, under the guidance of Nigel, a brother of Bruce, had arrived to share the lot of their fathers, brothers, and husbands. Near the banks of Loch Tay, they were discovered by Alexander lord of Lorn, who had married a Comyn.

Aug. 11.

He summoned his clan: Bruce and his followers were defeated: and it became necessary to separate for their safety. The ladies were conducted on horseback to the castle of Kildrummy: the king, with only two or three companions, proceeded on foot to Loch-Lomond: crossed it in a boat; and received a hospitable welcome at the castle of Dunavarty, from the lord of Kintyre. After three days rest, he embark-

* West, 433. Trivet, 343. Rym. ii. 1052. Ad. Murim. 37.

ed in a small ship, steered to the north of Ireland, and in the unfrequented island of Rachrin, buried himself during the winter from the knowledge and pursuit of his enemies.*

Edward, through weakness, was unable to leave the neighbourhood of Carlisle: but he could attend the deliberations of his council, and issue instructions for the punishment of the prisoners. It was determined that the murderers of Comyn, their abettors, and concealers, should be drawn and hanged: that all rebels taken with arms in their hands should be hanged or beheaded: that of those who surrendered, the most dangerous should be imprisoned during the king's pleasure; the rest, with such as had joined the insurgents by compulsion, and the common people, should be punished according to the discretion of the king's lieutenant. In consequence of these orders, a few prisoners were tried, condemned, and executed, among whom the most distinguished were the earl of Athol, Nigel the brother of Bruce, Christopher Seaton, with his brother Alexander, both Englishmen, Simon Fraser, and Herbert de Norham. If we consider these unfortunate men as the champions of freedom, they may demand our pity; but their execution cannot substantiate the charge of cruelty against Edward. Some were murderers: all had repeatedly broken their oaths of fealty, and had been repeatedly admitted to pardon.†

Punishment
of the pri-
soners.

Among the prisoners were three ecclesiastics, the abbot of Scone, and the bishops of St. Andrew's and Glasgow, and most of the females, who had so heroically joined the outlaws in the highlands. The former had been taken in complete armour, and were confined in separate castles in England. The latter fell into the hands of the king, by the surrender of Kildrummy, or the violation of the sanctuary at Tain in Ross-shire. To the wife of Bruce, Edward assigned his manor of Brustwick for her residence, with an establishment suitable to her rank as countess of Carrick.‡ Many were

* Barbour, 29—61. Ford. xii. 2. West. 455. The adventures of Bruce are romantic and interesting in Barbour. Fordun bears testimony to his accuracy: but Barbour was a poet, and evidently avails himself of the privilege of his profession.

† Ryley, 510. Trivet, 344, 345. West. 455, 456.

‡ The king's directions are curious. Her establishment was to consist of—1. Two females of the country, of a good age, very sedate, and of approved conduct, one as a companion, the other as a waiting maid. 2. Two valets of good age and sedate, one belonging to her father the earl of Ulster, the other of the country to carve for her. 3. A footman "to stay in her chamber, a sober man and not riotous, to make her bed, and to do other things fitting for the chamber." 4. A house steward to take care of her keys, pantry and butlery. Also a cook.—She was moreover to have

dispersed in different convents, and placed under the custody of the nuns. Two, the countess of Buchan, who in right of her family had placed the crown on the head of Bruce, and his sister Mary, who by her conduct must have merited the distinction, were treated with greater severity. They were sent to the two fortresses of Berwick and Roxburgh, where each was shut up in a strong cage of latticed work. Four years passed before the latter, seven before the former, was released from her confinement.*

About the end of winter the exiles issued from their retreat. Thomas and Alexander Bruce landed with a body of Irish at Lochrain; were opposed by Duncan Macdowal, made

Feb. 9. prisoners, and executed at Carlisle. The king was more fortunate than his brothers. He sailed to the coast of Carrick, surprised the English in the vicinity of Turnberry, and hastened for security to the

May 10. hills and forests. By degrees he was joined by his former vassals, defeated Pembroke, and drove Ralph de Monthermer to the castle of Ayr. He even laid siege to the place, but had the wisdom, at the approach of the English forces, to retire once more to the mountains.†

To Edward the success of his antagonist, trifling as it was, became a continued source of vexation. In July he felt a marked improvement in his health, and ordered the army to advance into Scotland. But the very exertion of mounting on horseback threw him back into his former state of weakness: his progress in four days was confined to six miles: and

July 7. the next evening he expired at Burgh on the sands, in the sixty-ninth year of his age, and the thirty-fifth of his reign.‡

Edward was twice married. His first wife was Eleanor of Castile, daughter of Ferdinand III., and, after the death of her mother, heiress of Ponthieu. Eleanor deserved and possessed the affections of her husband. She is described as elegant in her person, and gentle in her manners; pious, prudent,

three greyhounds to hunt in the warren and park, when she wished; as much venison and fish as she wanted; the house she liked best, and liberty to ride to any part of the manor. Rym. ii. 1013, 1014.

* Some of our writers say they were exposed in these cages to the gaze of the people. The contrary is evident from the king's orders. The cage was to be built within one of the turrets of the castle: and no one was to come near it but the woman servant. In each cage was to be the "convenience of a decent chamber." Rym. ii. 1014. I suspect that a large room was divided by a strong partition of lattice work, and that one of these divisions was called a cage, and allotted for the use of the prisoner.

† Barbour, 92—157. West, 457, 458. Hem. 225.

‡ Rym. ii. 1059.

and charitable; abstaining from all interference in matters of state; and employing her authority to relieve the oppressed, and reconcile those who were at variance. She bore Edward four sons, and eleven daughters, of whom several died in their infancy, and not more than three are known to have survived their father. Her death happened near Lincoln in 1290. The king suspended his expedition to Scotland, that he might follow the funeral to Westminster; and wherever the corpse rested for the night, ordered a magnificent cross to be erected to her memory.* His second wife was Margaret of France, by whom he had a daughter who died in her infancy, and two sons who survived him..

* Some of these crosses still remain, and are of considerable elegance. His object in these erections was not merely to preserve her memory, but to induce passengers to stop and offer up their prayers for her soul. Wals. 54. In the circular letter which he sent on the occasion to different prelates and abbots, he describes the object of these prayers to be, *ut si quid maculæ non purgatæ in ipsa, forsan oblivionis defectu vel alio modo, remansit, per utilia orationum suffragia, juxta divinæ misericordiæ plenitudinem abstergetur.* Rym. ii. 498.

CHAP. IV.

EDWARD II.

CONTEMPORARY PRINCES.

<i>Emp. of Ger.</i>		<i>K. of Scotland.</i>	<i>Kings of France.</i>	<i>Kings of Spain.</i>	<i>Popes.</i>	
Albert.	1308	Robert I.	Philip IV. 1314	Ferdinand IV.	Clement V.	1314
Henry VII.	1313		Louis X. 1316	1312	John XXII.	
Louis IV.			Philip V. 1322	Alphonso XI.		
			Charles IV.			

CORONATION OF EDWARD—ELEVATION, EXILE, AND DEATH OF GAVESTON—WAR IN SCOTLAND—THE DEFEAT AT BANNOCKBURN—EDWARD BRUCE DEFEATED AND SLAIN IN IRELAND—TRUCE WITH SCOTLAND—WAR WITH THE BARONS—LOSS OF GUIENNE—THE QUEEN MAKES WAR ON THE KING—EDWARD IS DEPOSED—AND MURDERED.

Accession of Edward II. Of the six sons of the late king three had preceded him to the grave. The eldest of the survivors, three-and-twenty years of age, bore the name, but inherited little of the character, of his father. From his childhood he had lived in habits of intimacy with Piers de Gaveston, the son of a gentleman of Guienne, whom Edward had selected for his companion. The two boys grew up together: they partook of the same amusements, and applied to the same exercises: and a similar taste for dissipation and pleasure, cemented, as they advanced in age, the attachment of their more early years. The king had occasion frequently to reprehend, sometimes to punish, the excesses of the heir-apparent: and about three months before his death, he banished Gaveston from the kingdom, and exacted from his son a promise upon oath, that he would never recall his favourite without the royal consent.* Affairs required the presence of the young prince

1307.
May 29.

* Rym. ii. 1043.

in London: but before he departed from Carlisle, Edward sent for him to his bed-side: and after giving him such advice as dying kings have often given to their intended successors, told him that of the money in the treasury he had bequeathed thirty-two thousand marks for the service of seven score knights in Palestine: forbade him, under pain of his paternal malediction, to allow Gaveston to return to England without the previous consent of his parliament; and commanded him to prosecute the Scottish war, and to carry his dead bones along with the army to the very extremity of Scotland.* Soon afterwards the king died: and his commands no less than his advice were forgotten. His successor hastened from the capital to the borders; received at Carlisle the homage of the English, at Dumfries that of the Scottish barons; and at the head of a gallant army advanced in pursuit of Robert Bruce. But war had few attractions for the young Edward. He halted at Cumnock in Ayrshire; and, under pretence of making preparations for his marriage and coronation, hastily returned into England.

July 29.

Aug. 6.

Aug. 21.

The first object of the new king had been the recall of his favourite, on whom, during his absence, he had conferred the title of earl of Cornwall, with a grant of the lands which had formerly belonged to Richard king of the Romans. Gaveston joined him before he left Scotland: and his arrival was followed by a total change in the offices of government. The chancellor, the barons of the exchequer, the justices of the different courts, were removed: and the treasurer, Langton bishop of Lichfield, who, by refusing to supply money for their pleasures, had formerly incurred the enmity of the prince and his favourite, was stripped of his property, and thrown into prison. In defiance of his father's prohibition Edward ventured to bury his bones at Westminster, and gave the money destined for the holy war to Gaveston, who was daily loaded with new honours.

Recall of
Gaveston.

Sep. 20.

Oct. 27.

* This command is thus mentioned by Froissart. "He called his eldest son, and made him swear in the presence of all his barons, by the saints, that as soon as he should be dead, he would have his body boiled in a large caldron until the flesh should be separated from the bones; that he would have the flesh buried, and the bones preserved, and that every time the Scots should rebel against him, he would summon his people, and carry against them the bones of his father: for he believed most firmly that, as long as his bones should be carried against the Scots, those Scots would never be victorious." Froissart, i. xxv. Johnes' translation.

Nov. 1. He was made lord chamberlain, married Margaret the king's niece, obtained a valuable grant of lands in Guienne, and, when Edward prepared to sail to France, was appointed regent of the kingdom, with all those powers, which the sovereign on such occasions was accustomed to reserve to himself.*

King's marriage. 1308. Edward landed at Boulogne, where he found Philip le bel, king of France. He did homage for Guienne and Ponthieu, and the next day in the presence of four kings and three queens married Isabella, the daughter of the French monarch, who was reputed the most beautiful woman in Europe. A few days were given to feasting and rejoicings: and on his return Edward

was accompanied or followed by the two uncles of his bride, and a numerous train of foreign noblemen, whom he had invited to be witnesses of his coronation. On their way they were met by the regent, and the English barons: when to the general astonishment, the king, neglecting the others, rushed into the arms of his favourite, kissed him, and called him his brother. The coronation was performed with extraordinary magnificence:† but outward expressions of joy accorded ill with the discontent, which secretly rankled in the breasts of the more powerful nobles. Not only had the offices at this ceremony been distributed without regard to the claims of inheritance, or the precedents of former reigns; but, what was a general grievance, the place of honour, to carry the crown and walk in the procession immediately be-

Feb. 24. And coronation. ment, the king, neglecting the others, rushed into the arms of his favourite, kissed him, and called him his brother. The coronation was performed with extraordinary magnificence:† but outward expressions of joy accorded ill with the discontent, which secretly rankled in the breasts of the more powerful nobles. Not only had the offices at this ceremony been distributed without regard to the claims of inheritance, or the precedents of former reigns; but, what was a general grievance, the place of honour, to carry the crown and walk in the procession immediately be-

* Rym. iii. 1—4. 11. 49. 53. Heming. 244. Walsing. 95. Lel. Col. i. 248. By several writers the marriage of Gaveston is placed some years later. But the contrary is plain, from the king's grant to Gaveston and Margaret his wife. Rym. iii. 87.

† The following is the oath taken on the occasion. "Sir, will you grant, and keep, and confirm by your oath, to the people of England, the laws and customs granted to them by the ancient kings of England, your predecessors, righteous and devout to God: and, namely, the laws, customs, and franchises, granted to the clergy and people by the glorious king, St. Edward, your predecessor?" "I grant them, and promise to keep them."

"Sir, will you keep to God, and holy church, and clergy and people, peace and harmony in God, according to your power?" "I will keep them."

"Sir, will you cause to be observed in all your judgments, equal and right justice and discretion, in mercy and truth, according to your power?" "I will cause it to be observed." "Sir, do you grant that the laws and right customs, which the commonalty of your realm shall have chosen, shall be kept and observed; and will you defend and strengthen them to the honour of God, according to your power?" "I grant it and promise." Rym. iii. 63.

fore the king, had been allotted to Gaveston. This preference awakened every former prejudice against him. Three days later the barons assembled in the refectory of the monks at Westminster, and sent to Edward a petition for the immediate banishment of the favourite. He promised to return an answer in the parliament to be held after Easter: and in the mean time endeavoured, but in vain, to mollify their resentment. Gaveston was still the sole dispenser of the royal favours: in the splendour of his dress and the number of his retinue he outshone every rival: in different tournaments he had by his good fortune or address unhorsed the earls of Lancaster, Hereford, Pembroke, and Warenne; and, elated with his own superiority, he continued to despise and ridicule his opponents. These, however, were fixed in their resolution. Their vanity had been too severely mortified, to acquiesce in the triumphs and taunts of a man, whom they considered as a foreigner and an upstart. At the parliament their demand was renewed in terms which admitted of neither refusal nor procrastination: letters patent were accordingly issued: and Gaveston himself was compelled to swear that he would never return: and the bishops pronounced against him the sentence of excommunication, if he should violate his oath. Edward, to console the affliction of his favourite, made him new grants of land, and accompanied him as far as Bristol. There he sailed from England: but his enemies had scarcely time to felicitate themselves on his downfall, when to their surprise and indignation they learned that he had assumed by royal appointment the government of Ireland.*

Feb. 28.

Exile of the favourite.

April 28.

May 18.

June 7.

June 26.

Petition of the commons.

1309.

June.

In Ireland Gaveston displayed the magnificence of a prince, and distinguished himself in several successful engagements with the natives.† In England the king assembled his parliament, and solicited an aid. In the last year he had obtained a twentieth from the lords and knights, a fifteenth from the citizens and burgesses: the repetition of the request in the present, emboldened the commons to append to their vote of a twenty-fifth the unprecedented demand, that their petition for the redress of their grievances should be previously granted. This petition deserves the notice of the reader: because it enumerates those abuses, which for more

* Rym. iii. 63. 80. 87—93. Trokel. 5, 6. Mon. Malm. 99. 110. Moor, 593. Wal. 96.

† Ann. Hib. apud Cam. ann. 1308, 1309.

than a century continued under different modifications to harass and irritate the people. They complained, 1. That the king's purveyors took all kinds of provisions without giving any security for the payment: 2. That he had imposed additional duties on wine, on cloth, and on other foreign imports, which had raised the price one-third to the consumer: 3. That by the debasement of the coin the value of all commodities had been advanced: 4. That the stewards and marshals of the king's household held pleas, which did not fall under their cognizance: 5. And exercised their authority beyond the verge, that is, a circuit of twelve leagues round the king's person: 6. That no clerks were appointed, as they had been under the last monarch, to receive the petitions of the commons in parliament: 7. That the officers appointed to take articles for the king's use in fairs and markets, took more than they ought, and made a profit of the surplus: 8. That in civil suits men were prevented from obtaining their right by writs under the privy seal: 9. That felons eluded the punishment of their crimes by the ease with which charters of pardon were obtained: 10. That the constables of the castles held common pleas at their gates without any authority; and, 11. That the escheators ousted men of their inheritances, though they had appealed to the king's courts. Edward was startled by this remonstrance. He prorogued the parliament for three months, that he might have time to consider it: and then granted every article, with the exception of that which regarded the new duty on imports. He withdrew the duty for the moment: but ordered it to be levied again the next year.*

Gaveston
returns.

But the king was now occupied with a more important concern than the welfare of his subjects. He was labouring to procure the return of Gaveston, without whose company he appeared to consider life as a burden. By condescension and liberality he broke the union of the barons, and attached some of the more powerful to his own party. He had previously solicited the advice and aid of his father-in-law; and had written to the pope in favour of Gaveston. From the king of France he obtained nothing: the pontiff repeatedly exhorted him to live in harmony with his people; and at last absolved Gaveston from his oath, on condition that he should submit to the judgment of the church, and make answer to the charges brought by his enemies. Edward was dissatisfied with this conditional absolution: but his impatience could be no longer controlled: he

* Rot. Parl. i. 441.

ordered the favourite to return; flew to Chester to receive him, and conveyed him in triumph to Langley in Hertfordshire. When the parliament assembled at Stamford, the barons, soothed by the promises of the king, and the apparent humility of Gaveston, consented that he should remain in England.

July 26.

But neither Edward nor his minion were capable of improving from experience. The reign of dissipation instantly recommenced: the court became a perpetual scene of feasting, dancing, and merriment; and Gaveston, in the possession of his former ascendancy, indulged in his former extravagance, and irritated his enemies by his pleasantries and sarcasms.* It was, however, impossible for him to be ignorant of the general discontent. He repeatedly published his intention of giving a tournament: none of the great lords would accept his invitation. He ordered the necessary arrangements to be made at Kennington: during the night the lists and the scaffolding disappeared. At length the exhausted state of the treasury compelled Edward to convoke a parliament at York: but the principal barons refused to attend, under the pretence that they were not equal to the power, and afraid of the malice of Gaveston. The summons was repeated, and was again disobeyed. Edward's necessities continued to increase: the favourite absconded: and the parliament assembled at Westminster.

And conceals himself.

Oct. 18.

1310.
Feb. 3.

Feb. 28.

To this parliament, in defiance of the royal prohibition, the barons came attended by their retainers in arms. Edward found himself completely in their power, and reluctantly consented to the appointment of a committee of peers, who, under the name of ordainers, should regulate the king's household, and redress the grievances of the nation. The archbishop who had resumed the administration of his diocese,† seven bishops, eight earls, and thirteen barons, having received the royal permission to name the

Barons in arms.

March 16.

March 20.

* He gave nicknames to the principal nobility. Thus "the gentil count Thomas of Lancaster" was sometimes "the old hog," at others "the stage player;" the earl of Pembroke, "Joseph the Jew;" the earl of Gloucester, "the cuckold's bird;" and the earl of Warwick, "the black dog of the wool." Packington, apud Lel. Coll. ii. 461. Wals. 94. 97.

† He returned in 1308. During his suspension the pope with the king's permission, had appointed a receiver of the income of the archbishopric. At his return the whole amount was restored to him. Rym. ii. 1020. Aug. Sac. i. 51.

committee, signed an instrument, in which they declared that this grant proceeded from the king's free will, that it ought not to be drawn into a precedent against the rights of the crown, and that the powers to be exercised by the ordainers would expire of themselves at the feast of St. Michael in the following year. The committee was then appointed, consisting of seven prelates, eight earls, and six barons, who immediately swore to discharge their office "to the honour of God, the honour and profit of holy church, the honour of their lord the king, the profit of him and his people, according to right and reason, and the oath which he took at his coronation."^a

He rejoins
the king.

Scotland.

Oct. 1.

The ordainers sate in the capital. Edward was glad to withdraw from their presence, and summoned his military retainers to follow him into Scotland. On his way he was rejoined by Gaveston, whose imprudence was rewarded with new favours. He obtained the royal castle of Nottingham, and was created justiciary of the forests north of the Trent. In Scotland the king penetrated as far as the Forth without finding an enemy. He passed the winter at Berwick, and in the spring ordered Gaveston at the head of the army to resume the war. The favourite penetrated beyond the Forth, displayed his usual prowess in action, and deserved the praise of a prudent and enterprising general. But the caution of Bruce allowed him no opportunity of gaining those laurels, which it was hoped would attract the admiration of the people, and silence the tongues of his enemies. The time approached, when it was necessary for Edward to meet his parliament.

1311.

Aug. 8.

Gaveston shut himself up in the strong castle of Bamborough in Northumberland;† the king proceeded to London to receive the articles of reform which had at last been framed by the wisdom or the prejudices of the ordainers.

The articles
of reform.

On an attentive perusal of these articles the reader will be of opinion that many of them were highly beneficial: but he will find some that trench-
ed on the lawful prerogative of the crown, and will suspect that others were framed for the gratification of private revenge. The first six regarding the rights of the church, the king's peace, the payment of his debts, the farming of the customs, and the observance of the great charter, had been already published with some modifications by the king, be-

^a Rym. iii. 200, 203, 204, 220. Ryley, 526. Rot. Parl. i. 445.

† Rym. 226, 314. Moor, 593. Heming. 248. Bamborough belonged to the lady Vesey.

fore he proceeded to Scotland.* The principal of the others were the following: that all grants, which had been made by Edward since he issued the commission, and of course those in favour of Gaveston, should be revoked: and that all which may be made hereafter without the consent of the baronage assembled in parliament, and until the king's debts are paid, should be invalid, and should subject the receiver to such punishment as the baronage might award.—That the king should not leave the kingdom, or levy war without the consent of the baronage; and in the case of his absence a guardian should be chosen by the common assent of the baronage in parliament.—That all purveyances, except such as were ancient and lawful, should cease, and that those who should presume to take any other, might be pursued with hue and cry, and punished on conviction like robbers.—That the new taxes on wool, cloth, wine, and other merchandise should be abolished.—That all the great officers of the crown, the wardens of the cinque ports, and the governors of the king's foreign possessions, should be chosen with the advice and assent of the baronage in parliament.—That the sheriffs should be persons of property sufficient to answer for their conduct; should be chosen by the chancellor, treasurer, and the rest of the council, and in the absence of the chancellor, by the treasurer, barons of the exchequer, and justices of the king's bench, and should receive their commissions under the great seal.—That Gaveston, for having given bad advice to the king, embezzled the public money, forced an association of men sworn to live and die with him against all others, estranged the affections of the sovereign from his liege subjects, and obtained blank charters with the royal seal fixed to them, should be banished for ever from England and all countries appertaining to the crown, should depart before the first day of November, and if he were found within the king's dominions after that day, should be treated as an enemy to the nation.—That the lord Henry Beaumont, for having received grants from the king since the issuing of the commission, should never more come near the king, unless it were to perform his duty in parliament or in war, and should forfeit his income till he had repaid whatever he might have hitherto received from the aforesaid grants: that his sister the lady Vesey, who had procured these grants, should never more come within the limits of the court, and should restore to the king her castle of Bamborough, which in reality belonged to

* At Northampton, Aug. 2. See Rot. Parl. i. 446. The customs had of late been farmed by the company of the Frescobaldi of Florence.

the crown.—And that, to prevent delay in the administration of justice, parliaments should be holden at least once, and if need should be, oftener than once every year.* To these a few other, but less important articles were added, regarding appeals, outlawries, and the authority of the mareschals and stewards of the king's court. The reader may easily imagine the distress of Edward, when the whole collection was submitted for his approbation. Anxious to retain to its full extent the authority which he had inherited from his father, and

1311.
Oct. 5. still more anxious to preserve his favourite from the sentence of banishment, he objected, complained, and entreated: but the barons were positive and inexorable: and the king after a long struggle consented to sign and publish the ordinances. Previously, however, he solemnly protested, that if any one of the articles should prove injurious to the just rights of the crown, or be found to have been unauthorized by the powers given to the commissioners, it should be considered as void: and therefore reserved to himself the right of amending every such article with the advice of the lords ordainers and of his own council.† This protestation sufficiently proved the king's resolution to burst the shackles imposed upon him, as soon as he could do it with impunity.

Gaveston
departs.
Nov. 1. Gaveston lingered in the company of Edward till the day fixed for his departure. They separated in tears. The exile landed in France, passed into Flanders, and presented to the duke and dutchess of Brabant the royal letters, recommending him to their protection. As for the king, he first prorogued, afterwards

* On account of the importance which has sometimes been attached to this ordinance, I will translate it entirely. "Whereas many persons are delayed of their demands in the king's court, because the opposite party alleges that answer ought not to be made to the demandants out of the king's presence; and whereas many persons are grieved against right by the officers of the king, of which grievances they cannot obtain redress without a common parliament, we ordain that the king hold a parliament once a year, or twice if need be, and in a convenient place; and that in such parliament, the pleas that have been delayed as aforesaid, and the pleas in which the judges are of different opinions, shall be recorded and determined: and that in the same manner shall be determined the petitions that have been presented in parliament, as law and reason shall demand." No. 29.

† Rot. Parl. i. 281. 447. Ryley, 530. 541. Rym. iii. 337. The king's protestation is not on the roll, but its existence is asserted in writs which he afterwards published. I may add that, from the tenor of the ordinances, it is plain that the authority of the parliament was hitherto supposed to reside in the baronage, the great council of former reigns. The commons had nothing to do but to present petitions, and to grant money.

dissolved the parliament: and then, carefully concealing his intention, retired slowly into the north, where he found himself less under the control of the barons. These congratulated themselves that at length they had separated him and his favourite for ever: but before Christmas they learned, that Edward and Gaveston had joined each other at York. A royal proclamation was published, stating that the favourite had returned in obedience to the king's orders; that he was a true and loyal subject; and was ready to maintain his innocence against the charges of his accusers. A new grant was made to him of his former estates and honours.*

And re-
turns.

1312.
Jan. 18.

Feb. 24.

Among the English nobility, the most powerful was Thomas, the grandson of Henry III., who united in his possession the five earldoms of Lancaster, Lincoln, Leicester, Salisbury, and Derby. The confederate barons appointed him their leader, and under the pretence of a tournament, secretly assembled the knights of their party. Edward seems not to have been aware of their design. Instead of seeking to oppose force to force, he contented himself with issuing commissions, in virtue of his late protest, for the revision of the ordinances.† He was awakened to a sense of his danger by the sudden approach of the earl of Lancaster, who, not finding the king in York, hastened his march towards Newcastle. Edward had time to evacuate the place a few hours before the arrival of the barons. He fled to Tynmouth, disregarded the tears and entreaties of his wife, embarked with Gaveston on board a vessel, and landed in safety at Scarborough. The favourite, for greater security, remained in the castle; the king repaired to York, and unfurled the royal banner. Lancaster did not visit the queen at Tynmouth, lest it might exasperate the king against his consort: but having sent her a letter of compliment and condolence, retraced his steps, encamped between York and Scarborough, and commissioned the earls of Surrey and Pembroke to lay siege to the castle. It was in vain that Edward sent them a mandate to retire. The unfortunate Gaveston, finding the place untenable, surrendered with the king's consent to the earl of Pembroke, on condition, that if no accommodation were effected before the first of August, he should be reinstated in the possession of Scarborough. It had been agreed

He is taken
prisoner.

March 8.

May 5.

* Rym. iii. 287. 298, 299. 304. 308. Trokel. 9. Wals. 98.

† Ryley, Plac. 530. Rot. Parl. i. 447.

that the prisoner should be confined in his own castle of Wallingford: and the earl and the lord Henry Percy bound themselves for his safety to the king, under the forfeiture of their lands, limbs, and lives. From Scarborough Gaveston proceeded under their protection towards Wallingford: at Dedington, Pembroke left him in the custody of his servants, and departed to spend the night with his countess in the neighbourhood. He retired to rest without any suspicion of danger: but "the black dog had sworn that the favourite should feel his teeth:" and before dawn he received a peremptory order to dress himself, and leave his chamber. At the gate, instead of his former guards, he found to his astonishment, his enemy, the earl of Warwick, with a numerous force. He was immediately placed on a mule, and his arrival at the castle of Warwick was announced by martial music, and shouts of triumph. There the chiefs of the party

And be-
headed.

sate in council over the fate of the prisoner. To a proposal to save his life, a voice replied, "you have caught the fox: if you let him go, you will have to hunt him again:" and it was ultimately resolved to disregard the capitulation, and to put him to death, in conformity with one of the ordinances. When his doom was announced, Gaveston threw himself at the feet of the earl of Lancaster: and implored, but in vain, the pity and protection of his "gentle lord." He was hurried to Blacklow-hill (now Gaversike), and beheaded in the presence of the earls of Lancaster, Hereford, and Surrey. The intelligence of his murder

June 19.

was received throughout the nation with astonishment and dismay. The annals of the kingdom furnished no similar execution since the conquest. By the perpetrators themselves it was deemed a hazardous experiment; and on that account the victim had been conveyed to a spot within the jurisdiction of the earl of Lancaster, whose greater power and relationship to the king appeared to screen him from danger. But they were disappointed. The blood of Gaveston was afterwards avenged with the blood of his persecutor.*

King and
barons re-
conciled.

The first news of this event threw the king into the most violent transports of grief, which gradually subsided into a fixed purpose of revenge. He had gone from York to Berwick: but immediately returned towards the capital, and was joined on his

* Rym. iii. 327, 328. 334. Mon. Malm. 121—124. Trokel. 13—17. Wals. 100, 101. Gaveston's body was buried by the friars in their church in Oxford: it was afterwards removed by the king, and interred in the new church at Langley. Knyght. 2533. Lel. Coll. i. 248.

way by the earl of Pembroke. The conduct of that nobleman was open to much suspicion. It was generally believed, that, as he had granted the capitulation to Gaveston, without consulting the confederates, so, in order to satisfy them without exposing his own honour, he had purposely allowed his castle of Dedington to be forced by the earl of Warwick. He succeeded, however, in convincing the king of his innocence: and proved his assertion, by his subsequent attachment to the royal interests. Edward, on his arrival in London, summoned a parliament, solicited succours from France, and assembled a considerable body of forces. But the advance of the barons to Dunstaple, and the resolute tone in which they made their demands, induced him to listen to the pacific exhortations of the legates of the pope, and the envoys of the king of France: and the birth of a son and heir, which fortunately happened at the same time, seemed almost to obliterate from his mind the untimely fate of his favourite. Conferences were held between the deputies of the king and of the barons, in the presence of the foreign ministers: and a form of reconciliation was unanimously adopted, subject to the approbation of the earl of Lancaster and his chief associates, who were absent.* One article was soon fulfilled, the surrender to the king of the plate and jewels, which had belonged to Gaveston.† But the associated barons, for their own security, demanded that he should be declared a traitor: a demand which Edward spurned with indignation. Two parliaments were summoned to ratify the treaty: from each the principal agents in the murder were detained by their apprehensions. At length every difficulty was surmounted. The king seated himself on his throne in Westminster hall: the barons on their knees expressed their sorrow for having given him offence: a general amnesty was proclaimed: and the next day more than five hundred particular pardons were issued to the noblemen and knights who had been concerned in the confederacy.‡

Nov. 13.

Nov. 11.

Dec. 20.

1313.

Feb. 7.

Oct. 16.

* Soon afterwards, on the 11th of May, died archbishop Winchelsey, the great adviser of the barons in this, as he had been in the last reign. *Ipsius Roberti hortatu.* Higden apud Brady, iii. 119.

† We may judge of the wealth of Gaveston from his plate and jewels, the inventory of which fills five pages in Rymer, iii. 388—393.

‡ Rym. iii. 404. 428. 442—449. Mon. Malm. 125—134. Wals. 102, 103. At the same time an act of indemnity was also passed in favour of those who had been the adherents of Gaveston. Stat. 7 Ed. II. St. 1.

War with
Scotland.

It is now time to return to the affairs of Scotland. When Edward had been contending for a favourite, he had contrived to lose a crown. The ease with which the late king had repeatedly overrun Scotland, had encouraged a persuasion that the natives could never withstand the superior power of England: and the slow but constant progress of Bruce was viewed with indifference or contempt. Once, indeed, Edward, and afterwards Gaveston by his orders, had crossed the frontiers; but the Scottish king had cautiously retired before them; and both returned to England almost without seeing an enemy. In the mean time the fortresses, which commanded the country, fell in succession into the hands of the natives. The castle of Linlithgow was won by the artifice of a peasant named William Binnock. He concealed in a load of hay a few armed men, who, when the wagon entered the gate, mastered the guard, and kept possession till they were joined by their countrymen.* Perth was surprised at night by Bruce himself. He waded through the ditch with a ladder on his shoulders, and was the second man who mounted the wall.† Roxburgh was taken by escalade, while the garrison indulged in the excesses of the carnival.‡ The castle of Edinburgh was the last which yielded. At midnight Randolph earl of Moray, with thirty companions, climbed up the rock; the alarm was given: the governor, who hastened to the spot, fell in the onset; and his men surrendered to the assailants.§ Alarmed by these losses, the Scots who still adhered to the English, solicited assistance, and the inhabitants of the three northern counties complained that they were abandoned by the king to the predatory incursions of their neighbours. At length the news arrived, that Mowbray governor of Stirling had consented to surrender that important fortress, if it were not relieved before the feast of St. John the Baptist. Edward, apparently at peace with his own subjects, judged the opportunity favourable for an expedition into Scotland. He summoned his military tenants to meet him at Berwick, ordered levies of foot soldiers in Wales and the northern counties of England, and demanded aid from the chiefs of the Irish septs. But all his projects were thwarted by civil dissension. In a parliament, which lasted seven weeks, the ordinances

* Barb. 199.

† Ford. xii. 18. Barb. 180.

‡ Barb. 205. Ford. xii. 19.

§ Ford. xii. 19. Barb. 211. Lel. Coll. ii. 546.

were defended by the barons, and opposed by the king: the clergy of both provinces refused an aid: and the earls of Lancaster, Surrey, Warwick, and Arundel, and probably many others influenced by their example, disobeyed the summons. A week before the day fixed for the surrender of Stirling, Edward marched from Berwick, and though the army was encumbered by a long train of provision wagons and military engines, reached the neighbourhood on the eve of the festival.* Bruce had employed the time to make preparations for the combat. His army, consisting of thirty thousand picked men, stretched from the burn of Bannock on the right, to the neighbourhood of the castle on the left:† and was protected in front by narrow pits dug in the ground, and concealed by hurdles covered with sods, sufficiently strong to bear a man on foot, and sufficiently weak to sink under the weight of an armed knight on horseback. Douglas and the Stewart commanded the centre: Edward Bruce took charge of the right, and Randolph of the left wing. The men of Argyle, of Carrick, and of the isles, composed a body of reserve: and at a distance in a valley lay fifteen thousand followers of the army, whom the king dared not bring into the field, but whom he instructed to show themselves in the heat of the conflict as a new army hastening to the aid of their countrymen.‡

June 18.

On the eve of the battle a warm action occurred between the advanced parties of the two armies,

June 23.

* It is impossible to ascertain the number of Edward's army. By Fordun it is ridiculously multiplied to 340,000 horse, and an equal number of foot. But the verses which he cites as his authority may have a different meaning. Ford. xii. 21. As the most powerful earls did not attend (Wals. 104), and as some others were excused by the royal writs (Rym. iii. 476), it is probable that the cavalry was not as numerous as usual. The Irish do not appear to have arrived. The infantry summoned by writs to the sheriffs amounted to 21,540 men. Rym. iii. 481. Lord Hailes, in opposition to Hume, observes that these footmen were furnished by twelve counties and a few lords; and that if all the counties and barons in England furnished their quotas in equal proportion, the army must have amounted to an immense number (Annals, ii. 41). But there is no evidence that they did so. The counties in question furnished 14,500 men, because they lay nearest to the enemy: the remaining 7040 were required from Wales, and the marches of Wales, because the king wanted men accustomed to fight in forests and on mountains, and "able to drive the enemy a locis fortibus et morosis, ubi equitibus difficilis patebit accessus." Rym. iii. 481.

† Most writers describe the Scots as lying with their front to the south, and Stirling behind them. I have followed lord Hailes, who decided from his own inspection of the ground (ii. 42). It should, however, be observed, that Moor gives the very same position to the English. They fought with the morning sun in their eyes: had they waited till noon, it would have been on their right. Moor, 594.

‡ Ford. oura Goodall, p. 256. not.

and terminated in favour of the Scots. Bruce with his battle-axe clove the scull of Henry de Bohun, a distinguished knight: and his followers hailed the prowess of their sovereign as an omen of victory. At day-break they gathered round an eminence, on which Maurice abbot of Inchaffray celebrated mass, and harangued his hearers on the duty of fighting for the liberty of their country. At the close of his discourse they answered with a loud shout: and the abbot, barefoot, with a crucifix in his hand, marched before them to the field of battle. As soon as they were formed, he again addressed them, and, as he prayed, they all fell on their knees. "They kneel," exclaimed some of the English; "they beg for mercy."—"Do not deceive yourselves," replied Ingelram de Umfraville, "they beg for mercy: but it is only from God."*

From the discordant accounts of the Scottish and English writers it is difficult to collect the particulars of the battle. The Scots, with very few exceptions, fought on foot, armed with battle-axes and spears. The king appeared in their front, and bore the same weapons as his subjects. The attack was made by the infantry and archers of the English army: and so fierce was the shock, so obstinate the resistance, that the result long remained doubtful. Bruce was compelled to call his reserve into the line: and as a last resource to order a small body of men at arms to attack the archers in flank. This movement decided the fate of the English infantry. They fled in confusion: and the knights with the earl of Gloucester at their head rushed forward to renew the conflict. But their horses were entangled in the pits:† the riders were thrown: and the timely appearance of the Scots who had been stationed in the valley, scattered dismay through the ranks of the English.‡ Edward, who was not deficient in personal bravery, spurred on his charger to partake in the battle: but the earl of Pembroke wisely interposed, and led him to a distance. Giles d'Argentyr, a renowned knight, had hitherto been charged with the defence of the royal person: now, seeing the king out of danger, he bade him farewell, and turning his horse, rode back to the enemy. He cried "An Argentyr," rushed into

* Ford. xi. 21.

† Though Barbour is silent, the fact of many being destroyed in the pits is mentioned by Fordun, xii. 20. and Moer, 594.

‡ Quibus ab Anglicis visis, putabant eos fuisse exercitum. . . . qui Anglos ita stupidos, et herentes reddidit, &c. Ford. p. 256.

the hottest part of the fight, and soon met with that death which he sought.*

It was in the full confidence of victory that Edward had hastened to Bannockburn: he fled from it with a party of Scottish cavalry at his heels, nor did he dare to halt, till the earl of March admitted him within the walls of Dunbar, whence he proceeded by sea to England. His privy-seal and treasures, with the military engines, and provisions for the army, fell into the hands of the conquerors.† The number of those who were slain in battle, was not great: but the fugitives, without a leader or a place of retreat, wandered over the country: and if the lives of the knights and esquires were preserved for the sake of ransom, the less precious blood of the footmen was shed without mercy. Bruce behaved to his prisoners with kindness: and in exchange for the earl of Hereford, obtained the release of his wife, sister, and daughter, and of the bishop of Glasgow and the earl of Marr.‡ He thought it a favourable moment to propose a treaty between the two nations:§ but when Edward refused him the title of king, the indignant Scot put an end to the negociation, called his parliament, and proceeded to settle the succession. His only child was an unmarried daughter called Marjory: and to avoid the dangers, which in the present circumstances might attend the reign of a female, it was ordained, with her consent, that if the king died without leaving a son, the crown should go to his brother Edward Bruce, and the heirs male of *his* body, failing whom, it should revert to Marjory and her descendants.||

Sept. 18.

1315.
April 26.

* Walsing. 195. Moor, 594. Lel. ii. 547. Mon. Malm. 149, 150.

† I shall transcribe the description in Fordun. *Boum armenta, gregesque ovium et porcorum, frumentum et hordeum cum molendinis portatilibus, et vinum in doliis atque cadiferreis. . . . cum petrariis et ligonibus, trabiculis et mangonellis, scalis et ingeniis, pavilionibus et canopeis, fundis et bombardis, cæterisque bellicis machinis.* Ford. xii. 21. Other manuscripts add *tribuchetis et arietibus*, p. 249.

‡ Rym. iii. 438. 496. The sister of Bruce now liberated was Christina, relict of Christopher Seaton. His sister Mary had been released from her cage in the castle of Roxburgh, and exchanged for Walter Comyn, as early as the year 1310. Rym. iii. 304. Even the Countess of Buchan, after having kept her cage seven years, had been taken out, and put under the charge of the lord Beaumont, in April, 1313. Rym. iii. 401.—I should mention, that among the prisoners was Baston, a carmelite friar, and a professed poet. Edward had compelled him to attend the battle, that he might celebrate his victory: Bruce compelled him, now that he was a captive, to sing the defeat. His poem, and a most singular poem it is, may be seen in Fordun, xii. 22.

§ Rym. 495.

|| Ford. xii. 24.

War in Ireland.

But the Scots were not content with asserting their own independence: they undertook to free Ireland from the English yoke. That island was now divided between two races of men, of different language, habits, and laws, and animated with the most deadly hatred towards each other. The more wild and mountainous districts, and the larger portions of Connaught and Ulster, were occupied by the natives: the English had established themselves along the eastern and southern coasts, and in all the principal cities and towns. By the English we are to understand an aggregate mass of adventurers from different countries, from England, Wales, and Guienne; men, or the descendants of men, of desperate fortunes at home, who had depended on their swords to carve for themselves new fortunes abroad. They professed fealty to the English crown: but their fealty was a mere sound. Since the expedition of John, they had seen no sovereign among them; and the severity with which *he* had punished their transgressions, had been quickly forgotten. At a distance from the court, and in what was deemed a foreign island, they despised the authority of the sovereign; and within the walls of their castles set at defiance the severity of the law.* At pleasure they levied war on each other, or on the natives: family feuds were transmitted from father to son: and except in the vicinity of Dublin, the seat of provincial government, the "pale" was divided among a multiplicity of petty tyrants, who knew no other law than their own interests, and united to the advantages of partial civilization the ferocity of savages. Conscious that they were the original aggressors, they looked on the natives as natural enemies. Those within the pale they reduced to a state of the most abject villenage: those without they harassed with military expeditions. But their aggressions were requited by the resentment of the sufferers: and the necessity of self-preservation generated a spirit of the most implacable revenge. All Irishmen were included under the sweeping denomination of enemies and robbers: the murder of a native was not considered a crime punishable by law; and the man who had inflicted the most cruel injury on the neighbouring septs, was the most distinguished among his fellows.†

* Rym. i. 391. ii. 1061, 1062. In the last instance Fitzwarin, the king's steward in Ulster, had distrained the lands of the Mandevilles for the king's dues. In revenge they collected an army, entered the royal demesne, and burnt five townships, three mills and 2000 measures of corn.

† See Fordun, xii. 28, 29, 30.

On the other side, the descendants of the original inhabitants were equally lawless, and equally vindictive. In the annals of Ireland we find them perpetually engaged in dissention and warfare. Sometimes they are fighting among themselves, sometimes against their oppressors. Occasionally we see them purchasing the aid of the English, that they may revenge themselves on their own countrymen; occasionally marching under the banners of an English baron, to invade the domains of his neighbour.* But whatever cause summoned them to arms, their steps might be traced by the desolation which they had wrought, and their victories were always celebrated with murder and conflagration. In short, the appetite for human blood, the hope and pursuit of vengeance, were equally keen in the native and the stranger: and each was actuated by the conviction that the destruction of the other was essential to his own safety.

The natives.

When Edward before his expedition into Scotland, had ordered his vassals to meet him at Berwick, he had also written to his "beloved," the chiefs of the Irish septs, requesting them to accompany De Bourg the earl of Ulster, who had been commanded to lead an army to his assistance.† This request was neglected. By the Irish the efforts of the Scotch were viewed with a kindred feeling. The patriots were fighting against the same nation, by which *they* had been so cruelly oppressed. They were descended of the same lineage, spoke a dialect of the same tongue, and retained, in many respects, the same national institutions.‡ When intelligence arrived of the victory at Bannock-burn, it was received with enthusiasm, and the conviction that the English were not invincible, awakened a hope that Ireland might recover her independence. Edward discovered that an active correspondence was carried on between the men of Ulster and the court of Bruce. Alarmed for the safety of his Irish dominions, he despatched the escheator,

Are joined by Edward Bruce.

1315.
March 14.

* In the instance mentioned above, two Irish kings aided the Mandevilles, and six the stewards. They ended by turning their arms against each other. Rym. ii. 1062.

† Rym. iii. 476. It is plain, from the difference between this letter and the usual summons to vassals, that none of the Irish chieftains had sworn fealty to him. He does not give the title of king to any: but that of dux to twenty-six.

‡ Omnes reges minoris Scotiæ de nostra majore Scotia sanguinis originem sumpserunt, linguam nostram et conditiones nostras quodammodo retinentes. Irish memorial, apud Ford. xii. 32.

the lord Ufford, with instructions to treat with the native chieftains, the tenants of the crown, and the corporations of the boroughs:* but before that nobleman could execute his com-

mission, Edward Bruce, the brother of the king
 May 25. of Scots, with an army of six thousand men, had landed in the neighbourhood of Carrickfergus. He was im-

mediately joined by the O'Nials, who directed
 June 29. his march. They burnt Dundalk: the greater part of Louth was laid desolate: and at Atherdee the inhabitants men, women, and children, who had crowded into the church, perished in the flames. But the approach of Butler the lord deputy,† and of the earl of Ulster, warned the confederates to return. They retired to Conyers, left their banners flying in their camp, and making a short circuit, fell on the

rear of their pursuers. A fierce encounter took
 Sep. 11. place: but the English were dispersed, and Bruce,

Sep. 15. continuing his retreat, despatched the earl of Moray to Scotland for reinforcements.‡

During this interval a new envoy arrived from Edward, John de Hotham, afterwards bishop of Ely, invested with extraordinary powers, to reconcile the barons, and to treat with the natives.§ The dissensions of the barons had prevented them from uniting their forces: some of them were even accused of having invited the Scots: several were privately suspected of corresponding with Bruce. With much difficulty Hotham formed an association among the tenants of the crown, who bound themselves under the penalty of forfeiture, to aid each other to the utmost in their efforts against the common enemy.|| With the chiefs of the natives he was less successful. They detailed to him the history of their grievances, and complained that it was the policy of their oppressors to raise an insuperable barrier between them and the throne. They offered, however, to hold the lands, to which they laid claim, immediately of the king, provided they might enjoy the advantage of the English laws, or to make him the umpire between themselves and his barons, and to submit to such demarcation of their respective possessions, as he in his wisdom should deem just. To these proposals they never received, probably did not wait to receive, an

* Rym. iii. 510. It appears there were four towns, governed by mayors, Dublin, Waterford, Cork, and Ross: and three royal burghs, with a reeve and bailiffs, Kilkenny, Drogheda, and Trim. The other towns in Ireland belonged to their respective lords.

† I adopt this term, as more familiar: the original title is justiciary.

‡ Annal. Hib. apud Camd. ann. 1315.

§ Rym. iii. 532.

|| Rym. iii. 547. Annal. Hib. ann. 1315.

answer:* for Bruce had now obtained a reinforcement from Scotland: he penetrated as far as Kildare, defeated the English at Arscol in that county, and as he returned, obtained a second victory at Kenlys in Meath. His presence animated the Irish of Leinster. The O'Tooles, O'Briens, O'Carrolls, and Archbolds, were instantly in arms: Arklow, Newcastle, and Bree, were burnt; and the open country presented one continued scene of anarchy and devastation.†

1316.
Jan. 26.

Feb. 14.

It is probable that in these inroads the Scots suffered many severe losses. They returned to their former quarters in Ulster, and sent again to Scotland for succours. But at the same time a treaty was concluded between Edward Bruce and Donald O'Nial, called in Edward's writs prince of Tyrone, but who styled himself hereditary monarch of Ireland. By letters patent the rights of O'Nial were transferred to Bruce, who was immediately crowned, and entered on the exercise of the regal power.‡

He is
crowned.

But his inactivity abandoned to destruction the different septs, that had joined him during his late expedition. Two hundred of the natives perished under O'Hanlan at Dundalk: three hundred were slain in Munster: four hundred fell in a battle at Tullagh; and eight hundred heads of the O'Moores were sent by the lord deputy to Dublin as the proof of his victory. From these losses Ireland might have arisen: but her hopes were extin-

May 2.

guished in the sanguinary field of Athenree, where Phelim O'Connor the king of Connaught, attacked the lord Richard Birmingham. The natives, in a confused mass, rushed on a resolute and disciplined enemy: the battle or slaughter lasted from dawn till sunset: and among eleven thousand dead bodies, were found those of Phelim himself, and of twenty-nine subordinate chieftains of the same name. The sept of the O'Connors was nearly extinguished.§

Aug. 10.

To balance the exultation caused by this victory, intelligence was brought to Dublin that Robert Bruce the king of Scotland, had landed with a numerous army in Ulster. The garrison of Carrickfergus, after a most obstinate defence, was compelled to surrender. The two brothers, at the head of twenty thousand men, Scots and Irish, advanced into the more southern counties: and the citizens of Dublin were induced to burn

Is joined by
the king of
Scots.

Sep. 12.

1317.
Jan. 1.

* Apud Ford. xii. 31.

† Apud Ford. xii. 32.

‡ Annal. Hib. ann. 1315.

§ Annal. Hib. ann. 1316.

the suburbs for their own protection. But the Scots, unprepared to besiege the place, ravaged the country.

Mar. 12.

They successively encamped at Leixlip, Naas, and Callen; and at last penetrated as far as the vicinity of Limerick. But it was the depth of winter: numbers perished through want, fatigue, and the inclemency of the season: and

Mar. 31.

the English had assembled an army at Kilkenny to intercept their return. With difficulty the

May 1.

Bruces eluded the vigilance of the enemy, and retired by Cashel, Kildare, and Trim, into Ulster.

It is not easy to assign the reason of this romantic expedition, undertaken at such a season, and without any prospect of permanent conquest. To the Scots it was more destructive than a defeat: and Robert Bruce, dissatisfied with his Irish expedition, hastened back to his native dominions.*

Irish memorial to the pope.

Notwithstanding the severe defeats, which the natives had suffered, the flame of patriotism was kept alive by the exhortations of many among the clergy. The English government complained of their conduct to the papal court; and John XXII. commissioned the archbishops of Dublin and Cashel to admonish those who fomented the rebellion, and to excommunicate all who should persist in their disobedience. This commission created a deep sensation among the septs: a justification of their conduct was signed by O'Nial and the majority of the chieftains: and the memorial was transmitted to the cardinals Joscelin and Fieschi, legates in Scotland, to be forwarded through them to the pontiff. This important instrument begins by stating, that during forty centuries Ireland had been governed by its own monarchs of the race of Milesius, till the year 1170, when Adrian IV. an Englishman, conferred against all manner of right the sovereignty of the island on Henry II., the murderer of St. Thomas, whom, for that very crime, he ought rather to have deprived of his own crown;† that since that period perpetual war had raged between the Irish and English, to the destruction of at least fifty thousand individuals on each side: and that the latter had gradually established their dominion over the fairest portion of the island, while the former were still compelled to fight for the bogs and mountains, the only possessions which remained to them in their native land. After this introduction, it argues that the

* Annal. Hib. ann. 1316, 1317.

† We may excuse the four thousand years attributed to the succession of their kings: but it is singular, that they were not aware of the anachronism in making Adrian live after the murder of the archbishop, though he died twelve years before it.

original grant is become void, because none of the conditions on which it was made, have been fulfilled. Henry had promised for himself and his successors to protect the church; and yet they had despoiled it of one half of its possessions; to establish good laws, and they had enacted others repugnant to every notion of justice;* to extirpate the vices of the natives, and they had introduced among them a race of men more wicked than existed in any other country upon earth; men whose rapacity was insatiable; who employed indifferently force or treachery to effect their purposes; and who publicly taught that the murder of an Irishman was not a crime.† It was to free themselves from the oppression of these tyrants that they had taken up arms: they were not rebels to the king of England, for they had never sworn fealty to him: they were freemen waging mortal war against their foes: and for their own protection they had chosen Edward de Bruce earl of Carrick, for their sovereign. They concluded with expressing a hope, that the pontiff would approve of their conduct, and would forbid the king of England and his subjects to molest them for the future.‡ This memorial appears to have made a deep impression on the mind of John, who both wrote to the king,§ and commissioned his legates to speak to him, in favour of the Irish. Urged by their repeated remonstrances Edward attempted to justify himself by declaring, that if they had been oppressed, it was without his knowledge, and contrary to his intention; and promised that he would take them under his protection, and make it his care, that they should be treated with lenity and justice.||

This promise was hardly given, before the war in Ireland was terminated. Sir Roger Mortimer had been intrusted with the government, and during the year of his administration, though

Edward
Bruce is
killed.

* The laws of which they chiefly complained are, 1. That though the king's courts were open to every man, who brought an action against an Irishman, yet, if a native were the plaintiff, the very fact of his birth was allowed to be an effectual bar to his claim: 2. That if an Irishman was murdered, whatever were his rank in the church or state, no court would undertake to punish the murderer: 3. That no widow, if she were a native, was admitted to the claim of dower: and, 4. That the last wills of the natives were declared void, and their property disposed of according to the will of their lords. Ford. xii. 28.

† In support of this charge they produce four instances of treachery and murder. Ford. xii. 29, 30. We should, however, recollect that they are the accusations of an enemy. Three of them are mentioned in the annals, but without any notice either of the causes, or the real authors. Annal. ad. ann. 1277. 1282. 1305.

‡ See Fordun, xii. 26—32.

§ Bullar. tom. i. Joan. XXII. const. iv.

|| Rym. iii. 727. 728.

it was distinguished by no signal victory, he had gradually confirmed the superiority of the English. The barons accused of favouring the Scots, particularly the Lacies, were attainted: the earl of Ulster, who had been imprisoned by the officious loyalty of the citizens of Dublin, was released: and the O'Briens and Archbolds were received to the king's peace. The men of Connaught by their dissensions aided the cause of their enemies: and no less than eight thou-

1318.

Oct. 5.

sand of them are said to have perished in a civil war. Soon after the departure of Mortimer, Bruce advanced to Fagher in the neighbourhood of Dundalk. He was met by John lord Birmingham, and fell in battle with the greater part of his forces. His quarters were sent, as those of a traitor, to the four principal towns: his head was presented by the conqueror to Edward, from whom he received the dignity and emoluments of earl of Louth.* With Bruce fell the hopes of the Irish patriots: the ascendancy of the English was restored: and the ancient system of depredation and revenge universally prevailed. The king's attention was, however, directed to the state of Ireland, by a petition presented to him in parliament, stating that, to establish tranquillity, it was requisite that charters of pardon for the murder of Englishmen should be abolished, and that the natives, admitted to the benefit of the English law, should fully enjoy the legal protection of life and limb. Both points were granted: and it was afterwards provided that no royal officer should acquire lands within the extent of his jurisdiction, or levy purveyance, unless it were in case of necessity, with the permission of the council, and under a writ from the chancery.†

Famine and
pestilence.

Not to interrupt the chain of events, I have conducted the Irish war to its termination by the fall of Edward Bruce: we may now revert to the concerns of England, where the people had forgotten the disastrous battle of Bannock-burn amid the more dreadful calamities which oppressed them. For three years they groaned under the two most direful scourges, that can afflict the human race, pestilence and famine. The deficiency of the harvest in 1314 had created an alarm; and the merchants of Newcastle, and probably those of the other ports, obtained

* Annal. Hib. ann. 1318. Rym. iii. 767. "He was slayn by his owne wilfulness, that wold not tary for his ful company, that were almost at hand." Lel. Coll. ii. 547.

† Rot. Parl. i. 386. Ryley, 569. 574.

the royal license to purchase corn in France, and import it into England. But the supply was so scanty, that the parliament, which assembled in February, fixed a maximum on the price of provisions.* This measure was of no avail. In defiance of the statute the price of every article rapidly advanced: wheat, peas, and beans were sold at twenty shillings the quarter: and even the king's family found it difficult on some occasions to procure bread for the table. Unfortunately the following season was preternaturally wet and stormy: the more early crops were damaged by the rain: the others never ripened at all: and before Christmas the scarcity of the preceding year had been doubled. To add to the calamity a pestilential disease raged among the cattle: and the want of nourishment, and the insalubrity of the food, produced dysenteries and other epidemic disorders among the people. The parliament, convinced by experience of its error, repealed the maximum;† and the king, at the suggestion of the citizens of London, suspended the breweries, as a measure “without which not only the indigent but the middle classes must inevitably have perished through want of food.” Still the prices continued to advance till the quarter of wheat sold for ten times its usual value; and the poor were reduced to feed on roots, horses, dogs, and the most loathsome animals. Even instances are recorded, which for the honour of human nature we may hope to be untrue, of men eating the dead bodies of their companions, and parents those of their children.‡

1315.
Feb. 3.

1316.
Feb. 2.

The continuance of the calamity had taught the most extravagant to economize their resources. Many expelled from their castles the crowds of domestics and dependants, with whom they usually swarmed: and these unfortunate men, without the lawful means of support, were necessitated to live by the plunder of their former patrons, or of their inoffensive neighbours. Every county was infested with bands of robbers, whose desperate rapacity was not to be checked by the terrors or the punishments of the law. The inhabitants were forced to combine for their own protection: association was opposed to association: summary vengeance was

* The following are the prices. A fat ox fed with corn, 24s.—not fed with corn, 16s.—A fat cow, 12s.—A fat hog, two years old, 3s. 4d.—A fat sheep, unshorn, 1s. 8d.—shorn, 1s. 2d.—A fat goose, 2½d.—A fat capon 2d.—A fat hen, 1d.—Two chickens, 1d.—Four pigeons, 1d.—Twenty-four eggs, 1d. Wals. 106, 107. Brady, 120.

† Rot. Parl. i. 351.

‡ Wals. 107, 108. Trokel. 37. Mon. Malms. 166.

inflicted by each party: and the whole country presented one great theatre of rapine, anarchy, and bloodshed.*

Dispute re- During this period of unexampled distress, the
specting Scots, emboldened by their late victory, and the
the ordi- timidity of their enemies, repeatedly poured over
nances. the borders, and ravaged with impunity the
northern counties. On the eastern coast they
pushed their depredations as far as the Humber, on the west-
ern as far as the river Lune. The attempts of the inhabitants
to stop the progress of the plunderers, invariably ended in
their own destruction: and all projects of defence or revenge
formed by the king's council, were defeated by the dissen-
sions between him and the principal barons. Both obstinate-
ly persisted, they in demanding, he in refusing the execution
of the "ordinances." If he summoned them to attend their
duty in parliament, or to accompany him against the Scots,
they constantly alleged that, till the ordinances were en-
forced, their presence might be attended with consequences
fatal to themselves. Occasionally, yielding to the pressure
of circumstances, Edward seemed to acquiesce: the earl of
Lancaster was placed at the head of the administration;† and
the barons flattered themselves that they had carried their
favourite measure. But the king as often seized the first op-
portunity to emancipate himself from the dominion of his
subjects: and always found among his nobility persons willing
to link their own fortune to that of their sovereign. The
two parties viewed each other with distrust and aversion:
even when they lived in apparent harmony, their real ani-
mosity was only smothered for the occasion: and the most
trifling accident, a law-suit or a private quarrel, would re-
kindle it with more than its former fury. Each accused the
other of a clandestine alliance with the king of Scots. Lan-
caster pretended that by intercepting a messenger he had ob-
tained possession of the original instrument signed by Ed-
ward himself. It is difficult to believe that any one could be
deceived by so palpable a falsehood. The royalists retorted
the charge, and clothed their assertions with so much pro-
bability, that the earl thought it necessary to offer wager of
battle to any man, who should dare to renew the accusation.

* Wals. 107. 109.

† In 1316, March 3, the earl accepted the presidentship of the council on three conditions: that he should be allowed to resign, if the king refused to follow his advice; that nothing of consequence should be done till he had been consulted; and that unprofitable counsellors should be removed from time to time by authority of parliament. These terms were entered at his demand on the rolls. Rot. Parl. i. 352.

If the king of Scotland relied on these dissensions for the security of his own kingdom, when he sailed to the assistance of his brother in Ireland, his hopes were not disappointed. Edward hastened to York; made the necessary preparations; and summoned his military tenants to follow him to Newcastle: but the great barons disobeyed; and by their disobedience the golden opportunity was lost. The king lingered for some months in the north: and the plan of invasion was exchanged for a few predatory incursions, which generally ended in the discomfiture of the aggressors. He returned to London to meet the cardinals Joscelin d'Ossat and Luca de Fieschi, the legates of John XXII. That prelate had lately ascended the papal throne: and hoped to distinguish the commencement of his pontificate by terminating the destructive war, which had now raged for more than ten years between England and Scotland. The legates brought with them letters of exhortation to each prince, and a bull, in which the pope of his own authority proclaimed a truce to last for two years, as a preparatory step to a permanent peace. Edward submitted respectfully to a mandate, which it is probable that he had secretly procured: and the royal orders for the suspension of hostilities were immediately issued. The cardinals proceeded to Durham,* and sent to request a safe conduct from Bruce, who had now returned to his dominions. After much difficulty and many affected delays, the messengers were admitted into the royal presence. He listened with apparent respect to the exhortation from the pontiff, but refused to open the letters from the legates, because they were addressed to "The noble lord Robert de Brus, the *ruler* of Scotland." The messengers observed, that while a controversy was pending, it became not the holy see to give to either of the parties a title, which might prejudice the right of the other. "But you give me," replied Bruce, "a title which prejudices my right. I am a king, and acknowledged for a

Negocia-
tion with
Scotland.

Sept.

* They went in company with the lord Henry Beaumont and his brother Louis, bishop elect of Durham. Between Rushyford and Ferry-hill, about six leagues from Darlington, they were suddenly attacked by a band of robbers, who had concealed themselves in the wood of Ache. The cardinals lost all their property, but were allowed to go forward: the Beaumonts were retained in captivity, till they had paid exorbitant ransoms. Rym. iii. 663. 666. 669. Ang. Sac. i. 738. Gilbert de Middleton the captain of the robbers, on account of the arrest of his cousin Adam de Swinburn, had called to his standard a number of outlaws and adventurers, and plundered with impunity the counties of Northumberland and Durham. He was afterwards taken in the castle of Mitford by treachery, and suffered the death of a traitor at London. Scala Chron. in Lel. Coll. ii. 548.

king by foreign powers. I can receive no letters which are not directed to me as a king, nor can I give an answer to your request till I have consulted my parliament. You shall hear from me after the feast of St. Michael.”* The legates returned to London, and long after the appointed time received an answer, signed by Bruce, his earls and barons, and stating that till he was acknowledged king of Scotland, he should decline entering into any negociation either with them or their messengers.†

Publica-
tion of the
papal
truce.

Mortified by this refusal, they published with due solemnity the papal truce in London, and ordered Adam Newton, guardian of the friars minors in Berwick, to notify its publication to the Scots. Newton executed his commission with some art.

He obtained a safe conduct to Old Cambus, where the Scots were employed in making preparations for the siege of Berwick. Bruce refused to see him, or to receive

Dec. 16.

his letters; but he took the opportunity to proclaim the truce with a loud voice in the midst of the multitude which surrounded him. He was instantly ordered to depart; his petition for a passport was refused: and before he had gone far, he was seized by four men, who robbed him of his letters, stripped him to the skin, and bade him farewell. The friar however pursued his way to Berwick, and gloried in having fulfilled the object of his mission.‡

It is vio-
lated by
the Scots.
1318.

In defiance of the papal truce the Scots persevered in their attempt to reduce Berwick. It was not probable that they could make much progress in the depth of winter: but the citizens harboured a traitor of the name of Spalding, who entered into a correspondence with the enemy. He be-

Mar. 28.

trayed to them the post where he kept guard: the town was taken by surprise: and after a few days the castle surrendered.§ The fall of Berwick was followed by the reduction of

May.

Wark, Harbottle, and Mitford: Northallerton, Boroughbridge, Scarborough, and Skipton, were burnt: and Rippon would have experienced the same fate, had it not been redeemed by the payment of a thousand

July.

marks. Irritated by these proceedings, the cardinals solemnly declared that Bruce and his associates had incurred the sentence of excommunica-

* Rym. iii. 661. 663.

† Rym. iii. 798. The object of this bull has been mistaken by lord Hailes. It empowers the cardinals to continue the process, though their legation had expired. It contains historical particulars, not to be found elsewhere.

‡ Rym. 683. 798.

§ Wals. 111. Moor, 594. Barb. 347.

tion, previously fulminated against those, who should violate the truce; and taking leave of Edward, returned to the papal court at Avignon.*

Aug. 25.

The loss of Berwick was deemed a national disgrace: and even the earl of Lancaster and his partisans united with Edward to recover it. The town was invested on all sides: and was defended by the Stewart of Scotland with a numerous garrison. Bruce hastened to raise the siege: but despairing of success, despatched fifteen thousand men under Randolph and Douglas to surprise the queen Isabella at York, and to ravage the country. They failed in the first object: but their devastations were so extensive, that the archbishop, at the head of the posse of the county, determined to oppose them at Boroughbridge. He was defeated: three hundred clergymen, ten times that number of laymen, fell by the sword, or perished in the river. The disastrous intelligence soon reached the camp before Berwick. The former dissensions were revived: the barons of the south proposed to continue the siege: but Lancaster with his friends departed: and Edward, weakened by their absence, made a fruitless attempt to intercept the Scots in their return.† Wearied out with repeated failures, he began to wish for peace: while his adversary was not less anxious to be reconciled with the court of Rome. The first proposal for a negociation came from Scotland: the demand of the regal title was waived: and a truce for two years was concluded between “Edward king of England, and sir Robert de Brus for himself and his adherents.”‡

Truce between
England
and Scotland.
1319.

Sep. 20.

1320.
Jan. 1.

This suspension of hostilities was employed by the king of Scotland in an attempt to make his peace with the holy see. A parliament was assembled at Aberbrothick, and a common letter, signed by eight earls and thirty-one barons in the name of the commonalty of Scotland, was sent by the royal messengers to the pontiff. This instrument stated that the Scots had settled in the north of Britain about twelve hundred years after the passage of the red sea, and had been converted to the faith by the preaching of the apostle St. Andrew: that they had always enjoyed their independence, till Edward I. had seized the opportunity to impose on them the yoke of England, at a moment when their throne was vacant: that they had since been freed from the English yoke by

Scottish
memorial
to the
pope.
1320.
April 6.

* Rym. 707. 799, 800. 858.

† Wals. 112. Ford. xii. 37.

‡ Rym. iii. 806. 809.

Robert de Brus, whom the divine providence, the legal succession which they were determined to maintain, and their due and unanimous consent had raised to the throne: but that, were he to abandon them, they would treat him as an enemy, would choose another king, and defy the dominion of England as long as a hundred Scots remained alive. Liberty was their object: and liberty, no good man would wish to survive. Having thus in the most forcible language declared their resolution, they request the pontiff to employ his influence with the king of England, and advise him to be content with his own dominions, which once were deemed sufficiently ample for seven kings; and to leave to the Scots their own barren soil, the most remote of habitable lands: but which was dear to them, because it was their own, and which it was their only object to possess in peace.--They then conclude in these words. "Should, however, your holiness give too credulous an ear to the reports of our enemies, and persist in favouring the pretensions of the English, we shall hold you responsible before God for the loss of lives, the perdition of souls, and every other calamity which must arise from the continuance of the war between the two nations. As far as our duty binds us, we are your obsequious children: to you, as to the vicergerent of God, we shall yield that obedience which is due: but to God, as the supreme judge, we commit the protection of our cause. We cast all our care upon him, confident that he will enable us to '*do valiantly, and will tread down all our enemies.*'"*

This letter convinced the pontiff, that the cause of Edward was desperate. He treated the envoys with kindness, and at their request consented to suspend the process against the king of Scotland for twelve months, and afterwards for an additional half year. To the king of England he wrote a letter of advice, and earnestly exhorted him to improve the present opportunity, and conclude a useful and lasting peace. Edward assented: commissioners from the pope and king of France were appointed to attend the congress: and hopes were confidently entertained of a favourable result. But the conferences, if any were held, proceeded slowly: the king of England was too much occupied with the rebellion of his barons to attend to other concerns: and Bruce expected to obtain better terms by aiding the rebels, than by treaty with the sovereign.†

* Ford. xiii. 2, 3. Anderson, Diplom. Scot. Tab. lii.

† Rym. iii. 846. 848. 867. 884. 891.

It was the singular fate of Edward that either he could not live without an unworthy favourite, or could not admit another to his friendship without wounding the arrogance of his barons. Lancaster had formerly obtruded on the king one of his own creatures to fill the office of chamberlain. The young man, whose name was Hugh Spenser, by his talents and assiduity soon acquired the esteem of his sovereign: the disposal of the royal favours was by degrees intrusted to his discretion: and his marriage with a daughter of the late earl of Gloucester gave him possession of the greater portion of the county of Glamorgan. His growing opulence awakened the jealousy of his former superiors. He was described as haughty, covetous, and ambitious; epithets, which in the mouths of those who applied them, may perhaps only prove, that, as he had devoted himself to the service, he had been rewarded by the gratitude, of his prince. It chanced that John de Mowbray had taken possession, without asking the royal license, of an estate belonging to his wife's father, and contiguous to the lands of the favourite. He pretended that he had only availed himself of the liberty of the marches: Spenser maintained that for the omission the fief was by law forfeited to the crown. The lords of the marches immediately associated for the defence of their rights: at the head of eight hundred men at arms, five hundred hobblers, and ten thousand footmen, they entered the lands of the favourite, reduced his ten castles, and burnt, destroyed, or carried off all the property on his twenty-three manors. After this exploit they marched into Yorkshire, and claimed the protection of the earl of Lancaster, the fomentor and patron of every faction. An indenture, binding the parties to prosecute the two Spensers, father and son, till they should fall into their hands, or be driven into banishment, and to maintain the quarrel to the honour of God and holy church, and the profit of the king and his family, was signed on the one part by the earl of Hereford and the lords of the marches, on the other by the earl of Lancaster and thirty-four barons and knights. The elder Spenser, whose fate was thus connected with that of his son, was a respectable gentleman, far advanced in age, whose only crime seems to have been his near relationship to the favourite, and his influence in the king's council. Lancaster led the confederates towards the capital, allowing them to live at free quarters on their march, and to plunder the estates belonging to the elder

The Eng-
lish barons
rebel.

1321.
May 3.

June 28.

Aug. 2. Spenser.* From St. Alban's he sent a message to Edward, requiring the banishment of the father and son, an act of indemnity for the confederate barons. The king replied with spirit, that the elder Spenser was beyond the sea employed in his service, the younger with his fleet, guarding the cinque ports: that he would never punish the accused before they had an opportunity of answering their accusers: and that it was contrary to the obligation of his coronation-oath, to pardon men who disturbed the tranquillity of his kingdom.†

The Spensers banished. The parliament was now sitting at Westminster: and Lancaster advancing to London, cantoned his followers in the neighbourhood of Holborn and Clerkenwell. The confederates spent a fortnight in secret consultations. At length they proceeded to Westminster, filled the hall with armed men, and, without informing the king of their intentions, ordered a paper to be read. It was an act of accusation against the Spensers, consisting of eleven counts,‡ and charging them

Aug. 19. * I will add the estimate of their losses delivered to parliament by the two Spensers, that the reader may form some idea of what constituted the wealth of a nobleman at these times.

The elder Spenser.—His crop in the barn, and that on the ground; 28,000 sheep; 1000 oxen and heifers; 1200 cows, with their calves for two years; 40 mares; 160 cart-horses; 2000 pigs; 300 goats; 40 tons of wine; 60½ fitches of bacon; 80 carcasses of beef; 600 of mutton in the larder; 10 tons of cider; arms and armour for 200 men.

The younger.—40 mares, with their issue of two years; 11 stallions; 160 heifers; 400 oxen; 500 cows, with their calves for two years; 10,000 sheep; 400 pigs; arms and armour for 200 men; his crop on the ground; provisions for his castles, as corn, wine, honey, salt, salt meat, and salt fish; the rents of his tenants amounting to 1000*l.*; and the debts due to him to the amount of 3000*l.* Sen Rot. Parl. iii. 361—363.

† Wals. 113, 114. Moor, 595. Ad. Murim. 55.

‡ The first count recited a writing made by the young Spenser, and conceived to teach treason. As it is curious, I will translate it. "Homage and oaths of allegiance regard the crown more than the king's person, and bind more to the crown than to the person; and this appears from the fact, that before the crown descends to any one, no homage is due to any person. Hence in the case that the king is not guided by reason in exercising the rights of the crown, his lieges are bound by their oath to the crown, to bring back the king and the state of the crown by reason, otherwise the oath would not be kept. The question then remains how the king is to be brought back: by suit of law, or by force? By suit of law no man can do it: for if he can have no other judges but those appointed by the king: and of course, if the will of the king be not conformable to reason, the error will be maintained and confirmed. It follows then, that, to keep the oath of allegiance, when the king will not redress grievances, and do away what is bad for the people and dangerous for the crown, it must be done away by force: for by their oaths both the king is bound to govern his people, and his lieges are also bound to govern in aid of him, and in his default."

with usurping the royal power, estranging the king from the great lords, appointing judges, who did not know the law, advising unconstitutional measures, and requiring fines from all persons who solicited grants from the crown: and concluded with these words: "Therefore we the peers of the land, earls and barons, in the presence of our lord the king, do award, that Hugh le Despenser the son, and Hugh le Despenser the father, be disherited for ever, and banished from the kingdom of England, never to return, unless it be by assent of the king, and by assent of the prelates, earls, and barons, in parliament duly summoned: and that they quit the realm by the port of Dover before the next feast of St. John the Baptist; and that if they be found in England after that day, or ever return, they be dealt with as enemies of the king and kingdom." Against this sentence the prelates protested in writing: but the king and the barons of his party, intimidated by the armed men in attendance, gave their assent: the banishment of the two Spensers was duly entered on the rolls: and a general pardon was granted to the earl and his associates, for all trespasses committed by them or their followers since the commencement of February.*

The king felt the indignity which had been offered to his authority, and two months did not elapse before he had an opportunity of revenging it. The queen, on her way to Canterbury, proposed to lodge during the night in the royal castle of Ledes. The custody of the castle had been intrusted by Edward to the lord Badlesmere, a man, who had lately betrayed to the confederates the secrets of his master, and by their means had obtained a special pardon for his transgressions.† He was absent; but the lady Badlesmere refused admission to the queen; and during the altercation several of the royal attendants were killed. Isabella complained loudly of this insult: the chivalrous feelings of the nation were aroused; and the king found himself in a condition to demand and enforce redress. Badlesmere avowed the act of his wife, and the lords of the marches advanced to his assistance, but Edward took the castle, hanged Colepepper the governor and eleven of his knights, sent the others to different prisons, and confined in the Tower the lady Badlesmere and her female attendants.‡

King takes
up arms.
Oct. 13.

Oct. 31.

Statutes at large, vol. x. App. p. 16. Rot. Parl. iii. 363. That the barons should declare this doctrine to be treasonable is strange, since they themselves, at the very moment, were acting upon it.

* Statutes, 18. Rot. Parl. i. 364. † Rym. iii. 890. Stat. x. App. 19.

‡ Rym. iii. 897, 898. Wals. 114, 115. Moor, 595. Trokel. 53. Lel. Coll. i. 273.

Receives
the Spens-
ers.

This act of vigour infused new life into the king's friends; many came forward with the offer of their services; and the two Spensers successively returned to England. The younger, in obedience to the law, surrendered himself a prisoner: but at the same time presented a petition that the judgment against him might be reversed, 1. Because he had been neither appealed in court, nor allowed to answer: 2. Because the whole process had been contrary to the form of the great charter; and, 3. Because he had been condemned by men, who, in defiance of the king's writ, had come to parliament with arms in their hands. Edward referred the petition to the consideration of the prelates, who were then assembled in convocation, and requested their advice. They replied that they had always protested against the award as contrary to law, and therefore prayed that it might be repealed: the four earls of Kent, Richmond, Pembroke, and Arundel, declaring that they had assented to it through fear, joined in the petition of the prelates: and the king, supported by their opinion, gladly took the favourite and his father under the royal protection, till parliament should assemble to repeal the award enacted against them.*

Lancaster
treats with
the Scots.

The popularity of the earl of Lancaster had been for some time on the decline. It was evident, that the success of the Scots in their destructive inroads, was owing to the pertinacity with which he had opposed all the measures of government. Men believed that, had he not so precipitately left the army before Berwick, the place must have fallen; and that his departure had been purchased by Bruce with a present of forty thousand pounds. These charges may have been invented by his enemies: but after the return of the Spensers, his traitorous intelligence with the Scots becomes evident from the original documents, which are still extant. He immediately summoned all the barons of his party, to meet him in council at Doncaster; and soon afterwards sent an emissary, Richard de Topcliffe, to confer with Douglas in the castle of Jedburgh. In a fortnight the truce expired: the Scots under Randolf and Douglas burst into Northumberland, and Topcliffe resumed his negotiation at Corbridge. It was at length concluded that the king of Scots, Randolf, and Douglas, with their forces, should join the earls of Lancaster and Hereford on an appointed day; should live and

Nov. 29.

Dec. 7.

Dec. 21.

1322.

Jan. 16.

* Rot. Parl. iii. 362, 363. Rym. iii. 907.

die with them in their quarrel; should protect their friends and injure their enemies; but on no account should lay claim to any conquest within the kingdom of England: and that on the other part the earls should never give their aid in any expedition against Scotland, but should do their best that Bruce should enjoy his dominions in peace.* In the mean time the king, aware of these proceedings, had collected

Jan. 15.

his forces: as he advanced, the lords of the marches burnt Bridgenorth, and fled to the earl of Lancaster; and the castle of Tickhill was instantly besieged by the united army of the confederates. It resisted their attempts till the arrival of Edward, when the insurgents took possession of Burton upon Trent, and for three days defended the bridge over the river. But the royalists passed by a ford; and Lancaster hastily retired into York-

Mar. 10.

shire. At Pontefract he wrote in his own name, and in the names of Hereford and his associates, to the king of Scots,† and then continued his retreat with seven hundred cavalry, in the hope of meeting the army of his allies. At Boroughbridge his progress was arrested by sir Simon Ward, and sir Andrew Harclay, the governors of York and Carlisle, who had collected a strong force on the opposite bank of the river. Hereford attempted to make his way over the bridge, but was slain by a Welshman stationed below, who, through a crevice, thrust his lance into the bowels of the earl. Lancaster had led his men to a ford, but they were repulsed by the archers on the opposite bank. He offered a

He is made prisoner.

bribe to Harclay, which was refused: and then solicited a truce till the following morning. A faint ray of hope still cheered his spirits. It was possible that the Scots might arrive during the night. But this hope was disappointed: at day-break his fate was apparent, and on receiving a summons to yield, he retired into the chapel, and looking on the crucifix, exclaimed: "Good Lord, I render myself to thee, and put me into thy mercy." The captors conducted him by water to York, and thence to his castle of Pontefract.‡ In general, when our kings had obtained the mastery over their refractory barons, they had been content with the feudal punishments of forfeiture and exile: but Edward, irritated by the repeated indignities which he had suffered, and persuaded that

* Rym. 907. 924. 938.

† Rym. iii. 927.

‡ Rym. iii. 927. 931. 934. 987—940. Knighton, 2540. Lell. Coll. ii. 464. He was probably carried to Pontefract, because, at the return of Edward from the siege of Berwick, the earl and his men came out of the castle, and jeered the king as he passed by. *Acclamaverunt in ipsum regem vilissime et contemptibiliter.* Rym. iii. 938. Wals. 116.

disobedience had been hitherto encouraged by his lenity, determined to overawe the malcontents by the severity of his resentment. To this motive we may attribute the execution of sixteen among his captives: the fate of the earl of Lancaster

Mar. 22.

And be-headed.

ter was perhaps aggravated by a recollection of the part which he had formerly taken in the murder of Gaveston. He was arraigned before the king, six earls, and the royal barons: of his guilt there could be no doubt: he was told that it was useless to speak in his defence; and was condemned to be drawn, hanged, and quartered as a traitor. In consideration of his royal descent, Edward commuted this ignominious punishment for decapitation: but the spectators and ministers of justice were careful to display their loyalty, by heaping indignities on their unfortunate victim. As he was led to execution on a gray poney without a bridle, with his confessor, a friar-preacher, by his side, they pelted him with mud, and taunted him with the title of king Arthur, the name which he had assumed in his correspondence with the Scots.* “King of heaven,” he cried, “grant me mercy, for the king of earth hath forsaken me.” The cavalcade stopped on an eminence without the town, and the earl knelt down with his face to the east. But he was ordered to turn to the north, that he might look towards his friends; and while he remained in that posture, his head was struck off by an executioner from London.†

Revision of the ordinances.

May 2.

From Pontefract Edward repaired in triumph to York, where the parliament had assembled. All the members were, or pretended to be, royalists: and every measure proposed by the crown was carried without opposition. The “ordinances” underwent a rigorous examination. Some were confirmed as beneficial to the nation: the rest were declared unconstitutional, and trenching on the prerogative of the crown. To prevent any future attempts similar to those of the “ordainers,” it was enacted, that thenceforth no provisions made by the king’s subjects, acting under any commission whatsoever, should be of force, if they affected the rights of the sovereign: and that all laws respecting “the estate of the crown, or of the realm and people, must be treated, accorded, and established in parliament by the king, by and with the assent of the prelates, earls, barons, and commonalty of the realm.” At the same time the petitions of the Spencers were heard and granted:

* Rym. iii. 926.

† Rym. iii. 939. Wals. 116. Lel. Coll. ii. 464, 465. 474. Eighteen others were executed in different places. Ibid.

and the award against them was ordered to be struck out of the rolls. The father was created earl of Winchester, and received several of the forfeited estates as a compensation for his losses.* The son recovered his former ascendancy: but instead of profiting by the fate of Gaveston, gloried to tread in the footsteps of that favourite, and by his ostentation and arrogance prepared the way for his own murder, and that of his royal benefactor.

The victory which Edward had gained over his domestic enemies, inspired him with the hope of wiping away the disgrace of Bannockburn, and of re-establishing his superiority over the kingdom of Scotland. With this view he assembled the most numerous army that England had seen for many years. But its apparent strength proved its real weakness: and the impossibility of supplying provisions for such a multitude of men disappointed the hopes of the king and the nation. The Scots as they retired swept the country before them: the English could neither overtake the flying enemy nor subsist in a desert: and Edward, after advancing as far as the Forth, was compelled to return without performing one splendid action, or achieving a single conquest. Nor was this the only disgrace. Having appointed guardians of the marches and disbanded his army, he remained in security in Yorkshire. But the Scots had formed a plan to surprise him. Riding day and night, they suddenly appeared before the abbey of Biland, where the king lay, made an attack on the knights who accompanied him, and took Henry de Sully a French nobleman, and John de Bretagne, earl of Richmond. Edward flew with precipitation to York. The Scots followed: remained till evening at the gates defying the garrison; and in their return ravaged the country without opposition.†

Inroad of
the Scots.

Aug. 12.

Oct. 14.

It was generally believed that this inroad of the Scots must have been effected with the connivance of some one holding a command on the borders: and the royal suspicion was soon fixed on Harclay, who for his services at Boroughbridge had been rewarded with the earldom of Carlisle, and made warden of the western marches. It was discovered that he had been engaged in a negociation with the king of Scotland: when Edward invited him to his court at York, he refused to obey; and sir Henry

Treason of
Harclay.

* Brady, 140—146. Stat. at large, x. App. 19. 21.

† Wals. 117. Moor, 596. Barb. 385—394.—Ford. xiii. 4.

1323.
Mar. 3.

Fitz-Hugh soon afterwards arrested him by command of the king. On his trial he was convicted of having bound himself by writing and oath to maintain Bruce and his heirs on the throne of Scotland: that an agreement had been named between them to name conjointly twelve persons, who should regulate the concerns of the two kingdoms; and that he had induced many to swear to the observance of this treaty. If these charges were true, we may conclude that Harclay's elevation had impaired his understanding, or that he had consented to become the agent of the Lancastrian faction, which, though it languished in a state of depression, had not abandoned the hope of revenge. He was condemned to be degraded, and to suffer the punishment of a traitor.*

Truce
with Scot-
land.

At length the destructive war, which with a few pauses had now continued three-and-twenty years, and had repeatedly involved one half of Scotland, and the northern counties of England, in bloodshed and misery, began to draw to a close. Bruce was sensible that his kingdom required a long interval of tranquillity to repair the havoc of so many campaigns: and experience had taught Edward to doubt of the ultimate success of any attempt to enforce his claim of superiority. The proposal was made by the Scots: Bruce consented to waive

May 30.

his title in the treaty: and a suspension of arms was concluded for thirteen years between the two nations, to remain in force till the end of that term, even in the event of the death of one, or of both of the contracting parties.†

* Rym. iii. 983. 988. 994. 999, 1000. The sentence was drawn up at York, and sent to the judges. It was in substance as follows: Whereas our lord the king, on account of the loyalty which he thought he had observed in you, Andrew Harclay, made you earl of Carlisle, and with his own hand girded you with the sword, and gave you a fee of the county, with castles, towns, lands, and tenements, to support the estate of an earl: and yet you have traitorously, falsely, and maliciously gone to Robert Bruce, to maintain him in opposition to the will of the king, this court doth award that you shall be degraded, and lose the title of earl for yourself and your heirs for ever; and that you shall be ungirded of your sword, and that your spurs of gold shall be struck from your heels. And whereas you, Andrew, the liege man of our lord the king, contrary to your homage, faith, and allegiance, have traitorously gone to Robert Bruce, the mortal enemy of our lord the king, &c., this court doth award that for the same treason you shall be drawn and hanged, that your heart, bowels, and entrails, from which these traitorous thoughts proceeded, shall be plucked out, and burnt to ashes; and the ashes be scattered in the wind, and that your body shall be divided into quarters, and your head shall be placed on London bridge for an example, that others may learn not to commit such treasons against their liege lord. Rym. 999.

† Rym. 1022, 1023.

At peace with foreign nations, and with his own subjects, Edward might now hope to enjoy that tranquillity to which he had so long been a stranger. But the Lancastrian party was not extinct: a conspiracy to surprise and murder the elder Spenser taught the king to tremble for the safety of the two favourites: and a bold though unsuccessful attempt to break open the prisons, and liberate the knights who had been taken at Boroughbridge, awakened the jealousy and vigilance of the royal ministers. One captive, however, Roger lord Mortimer of Wigmore, the man whose activity and resentment they most feared, had the good fortune to effect his escape. He had twice been convicted of treason, and twice owed his life to the clemency of the king. Wearied with his confinement,* he corrupted the fidelity of Girard de Asplaye, one of the officers in the Tower, who, in an entertainment which he gave to the wardens, infused a soporiferous drug into their drink. While they slept, Mortimer made his way through the wall of his chamber into the kitchen of the palace: a ladder of ropes aided him to mount and descend several walls: and a boat on the edge of the water conveyed him across the Thames. There he found his servants and horses, rode to the coast of Hampshire, and embarking in a ship which was prepared for him, escaped to France. Edward, ignorant of his motions, issued different writs for his apprehension: Mortimer entered into the service of Charles de Valois, and in a short time wreaked his vengeance on the prince, who had refused to take his life when it was forfeited to the law.†

Escape of
Mortimer
to France.

Charles le Bel had now succeeded his brother Philip on the throne of France. Of the real object of this prince in his subsequent quarrel with the king of England, it is impossible to form a correct notion: this only is evident, that he sought pretexts for hostilities, and rejected with disdain the most equitable offers. He complained that Edward had not attended at his coronation, nor done him homage for Guienne; and that his town of St. Sardos had been unlawfully destroyed by the seneschal of that dutchy. The king replied that he had never been summoned to do homage: that the town of St. Sardos was notoriously within his own territories; and that he was ignorant of the conduct of his seneschal: but, if that officer had done wrong, he should answer for it in the court

The king of
France in-
vades Gui-
enne.

* Packington says he had received information that he would be executed. *Lel. Coll.* ii. 467.

† *Rym.* iv. 7, 9, 20, 22. *Knyght.* 2543. *Moor,* 596. *Bland* 84.

of the dutchy. At the same time he offered to do homage at an appointed day, if the French army were to be recalled from Guienne: and to refer the subject of their quarrel to the equity of the peers of France, or the arbitration of the pope.

Sep. 22. But Charles was inexorable: his army overran the Agenois: and it was only by the surrender of Reoles, the last fortress in the province, that Edmund earl of Kent, and brother to Edward, could purchase a truce for a few months.*

The queen goes to France. During this interval the pontiff employed all his influence to restore peace between the two kings. Edward, though he had made preparations for war, professed himself ready to make every sacrifice consistent with his honour: Charles, on the contrary, spoke of nothing but conquest, and haughtily refused to listen to any proposals. It was, however, artfully suggested to the papal envoys, that if the queen of England would visit the French court, the king might grant to the solicitations of a sister what he would withhold from an indifferent negociator.† Edward fell into the snare:

1325.

March 8.

May 31.

Isabella proceeded to France with a splendid retinue: and a treaty was concluded, which will remind the reader of the deception practised in the last reign with respect to the same dutchy. The troops of Charles were to retire into his own territories, those of Edward to the neighbourhood of Bayonne: possession of Guienne was then to be given to the king of France, who would name a seneschal unexceptionable to both parties, and restore the province to Edward as soon as he had done homage, but would retain the Agenois, till his right had been decided by the peers of France; and, if their award were not in his favour, till he had received compensation for the expenses of the war.‡ When this ignominious treaty was communicated to Edward, an answer was required in the course of the week: his council, anxious to avoid the blame, declined to give him advice on a subject which demanded the decision of

June 30.

Aug. 24.

his parliament: and the king, after some days, reluctantly approved of the conditions which had been stipulated by his wife. He now began his journey to France to do homage at Beauvais, but was detained at Dover by sickness, and sent a messenger to Charles to account for his delay.§ Whether the dark plot which astonished the nations of Europe, had already been

* Rym. iv. 90. 95. 100. Wals. 120, 121.

‡ Rym. iv. 153.

† Rym. iv. 140.

§ Rym. iv. 163.

formed, we have not the means of knowing: but an answer was returned, that if Edward would transfer the possession of Guienne and Ponthieu on his son, Charles, at the prayer of Isabella, would receive the homage of the young prince on the same terms, on which he had consented to receive that of the father. The offer, though it bore a suspicious aspect, was accepted: the necessary resignations were made; and the young Edward, a boy of twelve years of age, after promising his father to hasten his return, and not to marry during his absence, sailed with a splendid retinue to the French coast.* But to the general astonishment, though the ceremony was speedily performed, week after week passed away, and neither mother nor son appeared inclined to revisit England. Mortimer had joined Isabella at Paris: he was made the chief officer of her household: and it was soon publicly known that the daughter of France and queen of England had abandoned her husband to become the mistress of a rebel and exile.†

And prince
Edward.
Sep. 10.

Edward would probably have borne without regret the absence of a faithless wife: but his only son was in her company; and her court had become the great resort of his enemies. He repeatedly ordered her to return, and was repeatedly disobeyed. His letters to the king and peers of France, to the pope, to his "dame," and his "fair son," are still extant; and completely disprove the pretext by which she sought to justify her absence, her apprehensions from the hostility of Hugh Spenser. The king affirms that such fears are a mere pretence: that she had never betrayed the least suspicion of Spenser in England: that at her departure she had taken leave of him as a friend: and during her absence had written to him letters of compliment and esteem: that since her marriage she had always been treated with honour and kindness; and that if he himself had sometimes "spoken to her words of chastisement," it was always in secret, and because she had deserved it by her follies.‡ Her designs, however, began

They refuse
to return.

Dec. 1.

* Rym. iv. 163, 165, 168.

† Wals. 122.

‡ Rym. iv. 180. 194. 200. 210. For the gratification of the curious, I shall translate some of the letters which passed on this occasion. 1. Letter from the queen to the archbishop of Canterbury: "Most reverend father in God, we have carefully perused the letter by which you require us to return to the company of our most dear and dread lord and friend; and assure us that sir Hugh Spenser is not our enemy, but even, as you say, wishes our good. At this we marvel much: for neither you nor any one of sound mind can believe that we would abandon the company of our said lord without good and reasonable cause, and unless it were to escape the danger of our life, and through fear of the said Hugh, who has the government of our

to unfold themselves. Levies of troops were made in her name: the barons of the Lancastrian faction were requested to join her at her arrival in England: reports the most dishonourable to the king were circulated both at home and abroad: and orders were transmitted from the young prince to the lords of Guienne, in opposition to those which Edward had given as administrator for his son. Among the king's envoys to the court of France, the bishop of Exeter, a minister of irreproachable integrity, was peculiarly obnoxious to the party: and an attempt to take his life compelled him to return to England. He was followed by the majority of those who had composed the retinue of the queen and prince, and who were now dismissed that they might not be employed as spies on her proceedings. At the same time the king of

said lord, and of his whole kingdom, and who would dishonour us to the best of his power, as we are certain and know from experience, though we dissembled to escape the danger. Truly there is nothing we desire so much after God and our salvation, as to be in the company of our said lord, and to live and die in the same. We therefore beg of you to excuse us: for in no manner can we return to the company of our said lord, without putting our life in danger, on which account we are in greater grief than we can express." At Paris, Wednesday after Candlemas (Apol. Ad. Orleton, 2767.) 2. The king to the queen: "Dame—Several times both before the homage and since, we have ordered you to return to us immediately, and without any excuse. But before the homage you excused yourself, because your presence was necessary for the prosecution of our concerns: and now you have sent us word that you will not come, through the danger and fear of Hugh Spenser: at which we marvel with all our might: the more so, since both you and he treated each other in so friendly a manner before us, and even at your departure you gave him promises, signs, and proofs, of certain friendship, and afterwards sent him the kindest letters, and that not long ago, which letters he has shown to us. And truly, dame, we know, and so do you, that he has always procured for you all the honour in his power: and that since you came into our company, no evil or disgrace has ever been done to you, unless perhaps sometimes through your own fault (if you will but remember) we have spoken to you, as we ought, words of chastisement in secret, without any other severity. Neither ought you, as well on account of God and the laws of holy church, as our honour and your own, for any earthly reason to transgress our commands, much less to avoid our company. Therefore we command and charge you, that laying aside all feigned reasons and excuses, you come to us immediately in all haste." At Westminster, Dec. 1st.—3. From the king to the prince. After ordering him to return, and to refuse his assent to any marriage, the king adds the following postscript. "Edward fair son, though you are of tender age, take these our commands tenderly to heart, and perform them humbly and quickly, as you wish to escape our anger and heavy indignation, and love your own profit and honour. And follow no advice contrary to the will of your father, as the wise king Solomon teaches you, and send us word immediately what you mean to do: knowing this, that if we find you hereafter disobedient to our will, we will take care that you shall feel it to the last day of your life, and that other sons shall learn from your example, not to disobey their lord and father." (Rym. iv. 181. 212.)

France, to distract the attention, or multiply the perplexities of the English government, sent bodies of troops to make inroads into Guienne. Edward was fully aware of his danger. He ordered the retailers of false news to be arrested, and all letters from foreign parts to be seized: he wrote again and in stronger terms to his son and the king of France; and he at last declared war against the latter for the invasion of Guienne, and the detention of his wife and of the presumptive heir of his crown.* Charles, who still affected to be ignorant of the dishonour of his sister, was at last induced by a letter of severe but merited reproach from the pope, to dismiss her from Paris: but he had secretly prepared an asylum for her in the court of his vassal, William count of Hainault. Here all her plans were matured under the direction of Mortimer. She signed a contract of marriage between her son Edward and Philippa the second daughter of the count: a body of more than two thousand men at arms under John de Hainault was placed at her disposal: all the exiles of the Lancastrian faction crowded round her person: and on the twenty-fourth of September she landed with her followers at Orewell in Suffolk.†

1326.
March 18.

June 12.

July 6.

But land
with an
army.
Sept. 24.

We are told that the original projector of the invasion was Adam Orleton bishop of Hereford, who had been deeply engaged in Lancaster's conspiracy, and had lost his temporalities as the punishment of his treason.‡ This wary and experienced politician founded his hopes of success on the probable co-operation of the two parties, which had hitherto divided the nation. He was secure of the aid of his former friends. A revolution alone could restore them to their estates, or furnish them with the means of revenge. The royalists, though attached to the king, were dissatisfied with the ascendancy of his favourite: and every true knight must deem it a duty to reconcile with her husband a young queen, who had been driven from the court by the insolence of an upstart. The ulterior designs of the conspirators were carefully concealed: and the apparent integrity of their professions seduced many from their allegiance. Of the envoys whom Edward had sent to France, his brother the earl of Kent, his cousin the earl of Richmond, the lord Beaumont, and the bishop of Norwich, joined Isabella: though his fleet had been ordered to assemble at Orewell three

The queen
is joined
by great
numbers.

* Rym. iv. 183. 193. 196. 206. 209. 211, 212. 218.

† Moor, 598. Wals. 123. Rym. iv. 231. Avesbury, 4.

‡ Moor, 596, 597. Rym. iv. 257.

days before the arrival of the enemy, it was perfidiously directed to a different port: and even Robert de Watteville, who had been despatched to oppose the invaders, ranged his forces under the banners of the queen and her son. The unfortunate monarch knew not whom to trust: and afraid to summon the military tenants of the crown, issued commissions to array the men of the neighbouring counties, ordered all who should

Sep. 28. be found in the invading army, with the exception

of his wife, his son, and his brother, to be treated as enemies: and offered a free pardon, with a reward of one thousand pounds, for the head of Mortimer.*

Isabella, at her landing, was hailed as the deliverer of the country. The Lancaster lords hastened to meet her: the primate supplied her with a sum of money to pay her followers: and the king's other brother, the earl of Norfolk, with three bishops, repaired to her camp. Letters were immediately written to the remaining prelates and barons to allure them to her party, by the exposition of her views, and an exaggerated statement of her present force, and of the succours which she expected from her brother the French king. But at Wallingford proposals were heard, which alarmed the real authors of the expedition. The new comers professed themselves hostile to the Spencers: but talked of restoring the queen to her husband, and of compelling him to govern by the advice of his parliament. The principal among them were immediately summoned to a council, in which Orleton, by the command of Isabella, accused the passionate and revengeful temper of Edward, detailed several real or pretended instances of his brutal conduct to the queen, and solemnly asserted that in the present circumstances she could not return to his so-

Oct. 15. ciety without evident danger to her life.† At the

same time it was determined to issue a proclamation, which, while it pointed the public hatred against the favourite, was studiously silent with respect to the intended system of government. It stated that the queen, the prince, and the earl of Kent, were come to free the nation from the usurped tyranny of Hugh Spenser, who had disinherited the crown of its rights, deprived the church of its possessions, irritated the king against his queen and his son, attainted, murdered, or exiled the great men of the realm, robbed widows and orphans of their property, and aggrieved the people by unlawful exactions. They, therefore, required the assistance

* Rym. iv. 225. 231. 233. 237.

† Apolog. Ad. Orlet. 2766. Her pretended fears of violence from the kings were believed, and have been repeated by most of our historians.

of every good and loyal subject, as they had no other object in view but the advantage of the church and of the realm. But the emissaries, who distributed this proclamation, were instructed to inform the people, that the pope had excommunicated all who should bear arms against the queen, had absolved the king's vassals from their allegiance, and had sent two cardinals to give to the undertaking the sanction of the apostolic see.*

At the queen's approach towards the capital, Edward, as a last resource, threw himself on the loyalty and pity of the citizens. Their answer was cold but intelligible. The privileges of the city would not, they observed, permit them to follow the king into the field: but they would shut their gates to the foreigners, and would on all occasions pay due respect to their sovereign, his queen, and his son. Edward immediately departed with the two Spensers, the chancellor Baldock, and a slender retinue: and the moment he was gone, the populace rose, murdered the bishop of Exeter, took forcible possession of the Tower, and liberated the prisoners. The fugitive monarch hastened to the marches of Wales, where lay the estates of his favourite. Bristol was given to the custody of the elder Spenser earl of Winchester: and at Caerfilly an attempt was made to raise the men of Glamorgan. But the Welshmen were equally indifferent to the distress of their lord, and of their sovereign: and Edward with his favourite took shipping for Lundy, a small isle in the mouth of the Bristol channel, which had been previously fortified, and plentifully stored with provisions.†

Edward
is forced
to flee.

Oct. 15.

Oct. 16.

Oct. 19.

The queen was not slow to pursue her fugitive consort. As she passed through Oxford, she commanded Orleton to preach before the university. The bishop selected for his text that passage in Genesis: "I will put enmity between thee and the woman, and between thy seed and her seed. She shall bruise thy head." These words he applied to Isabella and the Spensers; but many thought that they discovered in the sermon dark and prophetic allusions to the fate which afterwards befel the unfortunate Edward. From Oxford she hastened to Bristol: and the earl of Winchester, unable to master the disaffection of the burghers, surrendered the town and castle on the third day.

The elder
Spenser is
taken and
executed.

Oct. 26.

* Rym. iv. 236. Moor, 598.

† Ang. Sac. i. 366. Wals. 123, 124. Moor, 598—600. Rym. iv. 238.

His gray hairs (he had passed his ninetieth year) were not respected by his enemies: and he was accused before Sir William Trussel, one of the exiles raised by Isabella to the office of judge, of having assumed an undue influence over the king, exercised the royal power, widened the breach between the sovereign and the people, and advised the execution of the earl of Lancaster. In these tumultuous times the liberty of defence was seldom allowed to a political prisoner: but the notoriety of the facts charged in the indictment was assumed as a justification of the sentence which immediately followed. The earl was drawn from the court to the place of execution, where his enemies glutted their revenge with the sight of his sufferings. He was embowelled alive: his body was afterwards hung on a gibbet for four days, and then cut into pieces and thrown to the dogs.*

Edward is
taken. At Bristol it was ascertained that Edward had put to sea; and a proclamation was immediately made through the town, summoning him to return and resume the government. This farce was preparatory to an important decision of the prelates and

Sep. 26. barons in the queen's interest. Assuming the powers of parliament, they resolved that by the king's absence the realm had been left without a ruler: and therefore appointed the young prince guardian of the kingdom in the name and by the right of his father.† Edward's evil fortune pursued him by sea as well as land. He was unable to reach

Nov. 10. the isle of Lundy: and after contending for some days with a strong westerly wind, he landed at Swansea, retired to Neath, and sought to elude the search of his enemies by concealing himself in different places between that monastery and the castle of Caerfilly. At length, Henry earl of Leicester, who had lately taken the title of his at-

Nov. 17. tainted brother the earl of Lancaster, corrupted the fidelity of the natives, and got possession of Spenser and Baldock, who were secreted in the woods near the castle of Lantressan. Edward, it is said, immediately came forward, and voluntarily surrendered to his cousin, by whom he was sent to the strong fortress of Kenilworth. His fate was postponed to answer the purposes of his wife: the other captives were sacrificed without mercy to the resentment of their enemies. Baldock, as a clergyman, was con-

* Apolog. Ad. Orlet. 2765. Wals. 125. Lel. Col. ii. 468.

† Rym. iv. 237.

fined first in the prison of the bishop of Hereford, and afterwards in that of Newgate, where he sank under the rigours of his captivity: Spenser was arraigned at Hereford before the same judge, whose hands were still reeking with the blood of his father. The offences laid to his charge form the best proof of his innocence. According to Trussel he had been the cause of every calamity which had befallen the kingdom since his return from banishment, of the failure of the king's expedition into Scotland, and of the success of the Scottish incursions into England. He had not only persecuted the earl of Lancaster and his adherents to death, but when God had demonstrated the virtue of that nobleman by the supernatural cures wrought at his tomb, he had placed guards to prevent the afflux of the people, and to suppress the knowledge of the miracles:* he had constantly fomented the dissention between Edward and his consort; had hired assassins to murder the queen and the prince when they were in France; and at their return had conveyed away the king and the royal treasures against the provisions of the great charter. "Therefore," continues this upright judge, "do all the good men of this realm, lesser and greater, poor and rich, award with common assent that you, Hugh Spenser, as a robber, traitor, and outlaw, be drawn, hanged, embowelled, beheaded, and quartered. Away then, traitor: go, receive the reward of your tyranny, wicked and attainted traitor!" He was drawn in a black gown with the arms of his family reversed, and a wreath of nettles on his head: and was hanged on a gallows fifty feet high, amidst the acclamations and scoffs of the populace. A few yards below him suffered Simon de Reading, a faithful servant, who had always adhered to the fortunes of his master. Besides these the earl of Arundel and two other gentlemen were beheaded. They had remained neutral during the invasion; but were accused of having consented to the death of the earl of Lancaster. In the opinion of the public, their chief crime was the contiguity of their possessions to those of the queen's favourite, to whom they were granted.†

Execution
 of the
 younger
 Spenser.
 Nov. 24.

* It was pretended that miracles had been wrought at his tomb, and on the hill, where he was beheaded. In consequence a guard of fourteen men at arms, was appointed to prevent all access to the place. *Lel. Coll.* ii. 466. Soon after the coronation of the young king, a letter was written at the request of the commons in parliament to the pope, to ask for the canonization of Lancaster, and of his friend, Robert archbishop of Canterbury. The request was not noticed. *Rym.* iv. 268. *Rot. Parl.* ii. 7.

† *Knyght.* 2546—2549. *Moor,* 600. *Wals.* 125. *Lel. Coll.* ii. 468.

The prince
is declared
king.

From Hereford Isabella with Mortimer and her son proceeded by slow journeys to meet the parliament at Westminster. The session was opened by a long speech from that crafty politician, the bishop of Hereford. The removal of the Spencers from the person of the king, the only ostensible object of the party, had now been effected: and it was natural to ask why Edward, in whose name the parliament had been summoned,*

1327.
Jan. 7.

was not restored to the exercise of the royal authority. To obviate this difficulty, he painted in strong colours the vindictive disposition which it suited him to ascribe to the captive monarch, and solemnly declared that to liberate him now, would be to expose to certain death the princess, who by her wisdom and courage had so lately freed the realm from the tyranny of the royal favourites. He therefore requested them to retire, and to return the next day, prepared to answer this important question, whether it were better that the father should retain the crown, or that the son should reign in the place of his father.

Jan. 8.

At the appointed hour the hall was filled with the most riotous of the citizens of London, whose shouts and menaces were heard in the room occupied by the parliament. Not a voice was raised in the king's favour. His greatest friends thought it a proof of courage to remain silent. The young Edward was declared king by acclamation, and presented in that capacity to the approbation of the populace. The temporal peers with many of the prelates publicly swore fealty to the new sovereign: the archbishop of York, and the bishops of London, Rochester, and Carlisle, though summoned by the justiciaries, had the resolution to refuse.†

The king is
deposed.

These irregular proceedings had probably been pursued to extort from the members an assent, from which they could not afterwards recede.

Jan. 13.

Though the prince was declared king, his father had neither resigned, nor been deposed. To remedy the defect, a bill of six articles was exhibited against Edward by Stratford bishop of Winchester, charging him with indolence, incapacity, the loss of the crown of Scotland, the violation of the coronation oath, oppression of the church, and cruelty to the barons. In the presence of the young prince seated on the throne, these charges were read and approved: and it was resolved that the reign of Edward of Carnarvon

* It had at first been summoned in the name of the prince as guardian of the realm: but as this supposed Edward to be absent, a second summons had been issued in the king's own name.

† Ang. Sac. i. 367.

had ceased, and that the sceptre should be intrusted to the hands of his son, Edward of Windsor.

When this resolution was reported to the queen, she acted a part which could deceive no one. And made to resign. With the most violent expressions of grief, she lamented the misfortune of her husband, declared that the parliament had exceeded its legitimate powers, and exhorted her son to refuse a crown which belonged to his father. To silence her pretended scruples, a deputation was appointed consisting of prelates, earls, and barons, with two knights from each county, and two representatives from each borough. They were instructed to proceed to Kenilworth, to give notice to Edward of the election of his son, to procure from him a voluntary resignation of the crown, and if he refused, to give him back their homage, and to act as circumstances might suggest. The bishops of Winchester and Jan. 20. Lincoln, a secret and an open enemy, were the first who arrived. They employed arguments, and promises, and threats to obtain the consent of the unfortunate king; spoke of the greatness of mind he would display, and of the reward he would deserve, by renouncing the crown to restore peace to his people; promised him in the event of his compliance the enjoyment of a princely revenue and establishment; and threatened, if he refused, not only to depose him, but to pass by his son, and choose a sovereign from another family. When they had sufficiently worked on his hopes and fears, they led him, dressed in a plain black gown, into the room, in which the deputation had been arranged to receive him. At the sight of Orleton his mortal enemy, who advanced to address him, he started back, and sank to the ground: but recovered in a short time sufficiently to attend to the speech of that prelate. His answer has been differently reported by his friends and opponents. According to the former he replied that no act of his could be deemed free, as long as he remained a prisoner: but that he should endeavour to bear patiently whatever might happen. By the latter we are told that he expressed his sorrow for having given such provocation to his people; submitted to what he could not avert; and thanked the parliament for having continued the crown in his family. Sir William Trussel immediately addressed him in these words: "I, William Trussel, procurator of the earls, barons, and others, having for this full and sufficient power, do render and give back to you Edward, once king of England, the homage and fealty of the persons named in my procuracy: and acquit and discharge them thereof, in the best manner that law and custom will give. And I now make

protestation in their name that they will no longer be in your fealty or allegiance, nor claim to hold any thing of you as king, but will account you hereafter as a private person, without any manner of royal dignity." The distressing ceremony was closed by the act of sir Thomas Blount, the steward of the household, who, as was always done at the king's death, broke his staff of office, and declared that all persons engaged in the royal service were discharged.*

Jan. 24. In three days the deputation returned from Kenilworth, and the next morning the accession of the new sovereign, who was in his fourteenth year, was proclaimed by the heralds in the following unusual form: "Whereas sir Edward late king of England, of his own good will, and with the common advice and assent of the prelates, earls, barons, and other nobles, and all the commonalty of the realm, has put himself out of the government of the realm, and has granted and willed that the government of the said realm should come to sir Edward, his eldest son and heir, and that he should govern the kingdom, and should be crowned king, on which account all the lords have done him homage; we cry and publish the peace of our said lord sir Edward the son, and on his part strictly command and enjoin, under pain and peril of disherison, and loss of life and member, that no one break the peace of our said lord the king. For he is and will be ready, to do justice to all and each of the said kingdom, both to the little and the great, in all things, and against all men. And if any one have a claim against another, let him proceed by way of action, and not by violence or force."

The same assertion, that the late king had resigned of his own free will with the consent of his parliament, was unblushingly repeated at the coronation of the young prince.†

Edward is murdered. Edward of Carnarvon (for so we must now call him) was destined to add one to the long catalogue

* Moor, 600, 601. Wals. 126. Knyght, 2549.

† Rym. iv. 243—245. The expenses of this coronation amounted to 2835*l.* 18*s.* 2½*d.* under the following heads:—

	£.	s.	d.
Pantry - - - - -	45	17	6
Butlery - - - - -	188	14	8½
Kitchen and Poultry - - - - -	584	10	4
Saltery and Saucery - - - - -	215	0	0
Great Wardrobe - - - - -	1367	5	7½
Private Wardrobe - - - - -	216	18	5½
Hall and chamber - - - - -	20	1	1
Stable - - - - -	13	8	3½
Wages - - - - -	4	10	3
Making three halls - - - - -	179	12	0

of princes, to whom the loss of a crown has been but the prelude to the loss of life. The attention of the earl of Lancaster to alleviate the sufferings of his captive, did not accord with the views of the queen and her paramour. He was given to the custody of sir John de Maltravers, a man who, by his former sufferings, had proved his attachment to the party. To conceal the place of Edward's residence, he successively transferred the prisoner from Kenilworth to Corfe, April 4. Bristol, and Berkley, and by the indignities which were offered to him, and the severities which were inflicted, laboured to deprive him of his reason, or to shorten his life. It was in vain that the deposed monarch solicited an interview with his wife, or to be indulged with the company of his children. Isabella had not the courage to face the husband, whom she had so cruelly injured, nor would she trust her sons in the presence of their father. Though in possession of the sovereign power, she was still harassed with the most gloomy apprehensions. In several parts of the kingdom associations were known to exist for the avowed purpose of liberating the captive: her scandalous connexion with Mortimer was publicly noticed by the clergy in their sermons: and there was reason to fear that the church might compel her by censures to cohabit with her consort. To prevent the last she had recourse to her usual expedient. As her son led an army against the Scots, she called an assembly of prelates and barons at Stamford, laid before them her April 23. pretended reasons for dreading the sanguinary vengeance of her husband, and prevailed on them to declare that, even if she desired it, they would not permit her to return to the society of Edward of Carnarvon.*

Thomas lord Berkley, the owner of Berkley castle, was now joined with sir John Maltravers, in the commission of guarding the captive monarch. 'It chanced that Sept. 21. the former was detained at his manor of Bradley by a dangerous malady, during which the duty of watching the king devolved on two of his officers, Thomas Gourney, and William Ogle. One night while he was under their charge, the inmates of the castle were alarmed by the shrieks which issued from his apartment: the next morning the neighbouring gentry, with the citizens of Bristol, were invited to behold his dead body. Externally it exhibited no marks of violence: but the distortion of the features betrayed the horrible agonies in which he had expired; and it was confidently whispered that his death had been procured by the forcible introduction

of a red-hot iron into the bowels. No further investigation was made; and the corpse was privately interred in the abbey church of St. Peter in Gloucester.*

The first Edward had been in disposition a tyrant. As often as he dared, he had trampled on the liberties, or invaded the property of his subjects; and yet he died in his bed, respected by his barons, and admired by his contemporaries. His son, the second Edward, was of a less imperious character: no acts of injustice or oppression were imputed to him by his greatest enemies: yet he was deposed from the throne, and murdered in a prison. Of this difference between the lot of the father and the son, the solution must be sought in the manners and character of the age. They both reigned over proud and factious nobles, jealous of their own liberties, but regardless of the liberties of others; and who, though they respected the arbitrary sway of a monarch as haughty and violent as themselves, despised the milder and more equitable administration of his successor. That successor, naturally easy and indolent, fond of the pleasures of the table and the amusements of the chase, willingly devolved on others the cares and labours of government. But in an age unacquainted with the more modern expedient of a responsible minister, the barons

* Rot. Parl. ii. 52. 54. Rym. iv. 312. Knyght. 2551. Murim. 70, 71. Moor, 603. Moor ascribes the king's death to be the contrivance of Orleton, but the charge is probably groundless, as he had been for some months out of the kingdom on an embassy to the papal court (Rym. iv. 276), where he was deprived of his bishopric, but at length procured in its place the see of Worcester (Ang. Sac. i. 533). On Moor's authority also it has been said that the actual murderers were Maltravers and Gourney: but though Maltravers was condemned by the same parliament which condemned the murderers, it was for a different crime, which forms a presumption that he was innocent of this (Rot. Parl. ii. 53). According to the judgment of the house of peers in 1380, Mortimer commanded (he confessed it before his death, Ibid. 62), Gourney and Ogle perpetrated, the murder. Mortimer suffered death, the other two had fled out of the kingdom; but a reward of 100*l.* was offered for the apprehension, or of 100 marks for the head, of Gourney, and another reward of 100 marks for the apprehension, and of 40*l.* for the head, of Ogle (Rot. Parl. ii. 54). What became of Ogle, I know not: Gourney fled into Spain, and was apprehended by the magistrates of Burgos. At the request of the king of England, he was examined by them in the presence of an English envoy. What disclosures he made, were kept secret: but we may suppose that they implicated persons of high rank, as the messengers, who had him in charge, received orders to behead him ~~as~~ on his way to England (Rym. iv. 488, 489, 490, 491). With respect to the lord Berkley, he was tried at his own demand before a jury of knights, and acquitted. The king, however, ordered him to be put under the custody of sir Ralph Nevill, till the next parliament, for having placed officers of a bad character near the person of his father (Rot. Parl. ii. 57). But in the next parliament, at the request of the lords, he was permitted to be at large, till the truth could be learned from Gourney, *who was still alive*, (Rot. Parl. ii. 62). From these words it is probable that Ogle died before the capture of Gourney.

considered the elevation of the favourite as their own depression, his power as the infringement of their rights. The result was what we have seen, a series of associations, having for their primary object, the removal of evil counsellors, as they were called, from the person of the prince, but which gradually invaded the legitimate rights of the crown, and terminated in the dethronement and assassination of the sovereign. For the part which Isabella acted in this tragedy, no apology can be framed. The apprehensions of danger to her life, under which she attempted to conceal her real purposes, were of too flimsy a texture to blind the most devoted of her partisans: nor could she palliate her adulterous connexion with Mortimer by retorting on her husband the charge of conjugal infidelity.* In a few years her crime was punished with the general execration of mankind. She saw her paramour expire on a gibbet, and spent the remainder of her life in disgrace and obscurity.

I must not close this account of Edward's reign without noticing the abolition of the knights templars. That celebrated order was established in 1118 by the patriarch of Jerusalem, and originally consisted of nine poor knights, who lived in community near the site of the ancient temple, and took on themselves the voluntary obligation of watching the roads in the neighbourhood of the city, and of protecting the pilgrims from the insults of robbers and infidels.† By degrees their number was surprisingly augmented: they were the foremost in every action of danger: their military services excited the gratitude of christendom: and in every nation legacies were annually left, and lands successively bestowed on the templars. But wealth and power generated a spirit of arrogance and independence, which exasperated both the civil and ecclesiastical authorities. As long indeed as the knights were usefully employed against the infidels, their enemies were silent: but after their expulsion from the holy land, they indulged in indolence and luxury, and reports the most prejudicial to the reputation of the order began to be circulated and credited. Philip le Bel had repeatedly denounced it to the pope Clement V.: and at last, impatient of delay, ordered all the knights in his dominions to be arrested, and on examination obtained from many a confession of the most shocking and infamous practices. Clement was dissatisfied with the precipitance of the king: but to stay the proceedings would have been to proclaim himself the protector of guilt, and he therefore reserved the future prosecution of the inquiry to the

Abolition
of the
order of
templars.

1307.
Oct. 12.

* Moor, 601.

† Wil. Tyr. xii. 7.

apostolic see. In different bulls addressed to the sovereigns of christendom, he detailed the charges brought against the order, of profligacy, idolatry, and apostacy: requested that the knights in their respective territories might be placed in confinement: and appointed judges to inquire into their guilt or innocence.* In England and Ireland they

1308.
Jan. 7.

were all apprehended on the same day, and kept in safe but honourable custody.† The process against them lasted for three years: and if it be fair to judge from the informations taken in England, however we may condemn a few individuals, we must certainly acquit the order.‡ The result of the inquiries made in the different countries was laid before the pontiff in the council of Vienna; and

1312.
March 22.

after much deliberation he published a bull, suppressing the institute, not by way of a judicial sentence establishing its guilt, but by the plenitude of his power, and as a measure of expediency rather than of justice.§ That the property of the templars might be still pre-

May 2.

Aug. 1.

served for the purposes for which it had been originally given, it was determined to transfer it to the knights hospitallers: but when the papal bull, containing this ordinance, arrived in Eng-

1313.
Nov. 24.

land, Edward suspended its execution for more than a year: and if he at last assented, it was not till he had made a protestation, that he did it for objects of national utility, and without abandoning his own right or the right of any of his subjects to the possessions in question.|| Eleven years later he consulted the judges, who replied that by the law of the land, all the possessions of the templars had reverted as escheats to the lords of the fees: and immediately an act of parliament was passed, assigning them to the hospitallers, for the same purposes for which they had been originally bestowed on the templars.¶

* Rym. iii. 30. 101.

† One of the king's clerks was sent to the sheriff of each county with an order for him to take a certain number of good and lawful men, and with them to swear to execute the sealed orders, which the bearer should deliver to him. These were then opened, and authorized the arrest of the templars. Rym. iii. 34. 43.

‡ The whole process may be seen in Wilkins, ii. 329—400.

§ Non per modum diffinitivæ sententiæ, cum eam super hoc secundum inquisitionem, et processus super his habitos non possemus ferre de jure, sed per viam provisionis seu ordinationis apostolicæ. Rym. iii. 323.

|| Rym. iii. 451. 457. The king had ordered that the master of the templars in England should be allowed two shillings per day, the other knights four pence per day for their support out of their former property. Rym. iii. 327. 349. 472.

¶ Stat. at large, x. App. 23.

A
HISTORY OF ENGLAND,

FROM THE FIRST

INVASION BY THE ROMANS.

BY JOHN LINGARD, D.D.

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CONTEMPORARY PRINCES.

EDWARD III. ————— **PHILIPPA.**
+1377. | +1369.

13.

HISTORY OF ENGLAND.

CHAP. I. EDWARD III.

CAMPAIGN AGAINST THE SCOTS—EXECUTION OF THE EARL OF KENT—FALL AND EXECUTION OF MORTIMER—BALIOL RECOVERS AND LOSES SCOTLAND—EDWARD CLAIMS THE CROWN OF FRANCE—HIS USELESS EXPEDITIONS TO FLANDERS—VICTORY AT SEA—TRUCE—RENEWAL OF THE WAR—VICTORY AT CRESSY—VICTORY AT NEVIL'S CROSS—SURRENDER OF CALAIS—ANOTHER TRUCE—PESTILENCE—THE FLAGELLANTS.

For some years Isabella and Mortimer enjoyed the reward of their crimes. The youth of the king allowed them to retain that ascendancy over his mind, which they had hitherto exercised: and the murder of his father secured them from the resentment of an injured husband. Of the forfeited estates of the Spencers and their partisans, the larger portion, with the title of earl of March, fell to the lot of Mortimer: to the queen was granted the sum of twenty thousand pounds for the present payment of her debts, and a yearly income to the same amount for her future expenses. In the parliament an act of indemnity was passed for all violences committed during the revolution: the judgments given against the late earl of Lancaster and his adherents were reversed; the survivors, or the heirs of the deceased, were restored to the possession of their hereditary estates: and a council of regency was appointed,

Proceed-
ings of the
new go-
vernment.

to consist of four bishops, four earls, and six barons. Most, however, of its members belonged to the queen's party, and those who were not under her control, were gradually dismissed by the contrivance of that unprincipled woman and her paramour.*

Negocia-
tions with
Scotland.

The first measures of the new government were disconcerted by an unexpected occurrence. Of the truce with Scotland only a few years had expired: but the state of affairs in England offered to the Scottish king a temptation, which he had not the virtue to resist. He determined to violate his engagements, and to wrest, if possible, from the young king a solemn renunciation of that superiority, which had been claimed by his father and grandfather. Aware of the intentions of Bruce, the English government had recourse to every expedient to avert hostilities. The lords of the marches were ordered to observe the articles of the late treaty: it was solemnly confirmed by the new king: envoys were sent to negotiate with the Scottish monarch: and it was at last agreed

1327.

Feb. 15.

March 6.

April 23.

that ambassadors should meet in the marches, and treat of a final peace. But Bruce summoned his military retainers to join him at the same place and on the same day: and Edward, to be prepared for the event, was compelled to issue similar orders to the tenants of the crown, and the men of the northern counties. The negociators met: the Scots insisted on their own terms; and when the English demurred, an army of twenty-four thousand men under Randolph and Douglas crossed the borders, and ravaged the county of Cumberland.†

June 1.

Campaign
in the
county of
Durham.

Edward consumed six weeks at York, waiting for the arrival of his forces. At the suggestion of Mortimer, he had purchased for the sum of fourteen thousand pounds the services of John of Hainault, and a body of foreigners, who were

* Rym. iv. 245—246. Rot. Parl. ii. 3—6. 52. Knight. 2566. The attainder against the earl of Lancaster was annulled, because he had not been arraigned in the king's court, nor tried by his peers. Rot. Parl. ii. 4. 5.

† See Rymer, iv. 256. 270, 271. 280. 287. 293. Lord Hailes (Annals, 116—118) seems to have misunderstood these documents, from which it was evident, that the infraction of the truce must be charged to the Scots. At the same time the Irish septs burst into the English pale in Ireland (Rym. iv. 295): but whether there was any connexion between the two invasions is unknown.

lodged in the best quarters, and treated with the best cheer. On Trinity Sunday, the king entertained five hundred knights, the queen sixty ladies, at their respective tables: but the festivity was interrupted by the alarm of a tumult in the city. The insolence of the foreigners had irritated the Lincolnshire archers: a battle ensued, which lasted till night: and some hundreds were slain on each side. The men of Hainault claimed the victory: but they were compelled for the future to use the same precautions as in a hostile country, and never considered themselves safe till they had left the island. Commissioners were appointed to inquire into the origin of the quarrel: whatever may have been the result, it was deemed prudent to suppress it.*

June 7.

At length the English, amounting to more than forty thousand men, marched to Durham, but were unable to obtain any certain intelligence of the enemy.

July 13.

An army of Scots was peculiarly adapted for predatory excursions. It consisted entirely of cavalry, and was uncumbered with provisions or baggage. Their drink was the water of the river or brook, their meat the cattle of the country, which they slaughtered, and then boiled in the skins: and they carried with them a scanty supply of oatmeal in a bag, which each horseman attached to his saddle. The velocity with which they advanced or retreated was such, as to make it difficult either to discover or pursue them.

July 18.

On the fifth day intelligence reached the king, that the enemy were burning the villages at a distance of ten miles from the city. The army was immediately in motion, and marched in three divisions, in each of which the infantry occupied the centre, with the cavalry on its flanks. Orders had been issued that no man should quit his banner under the penalty of death.

In this manner they advanced for two days without overtaking the Scots: on the second evening it was resolved to gain by a rapid march the left bank of the Tyne, and to intercept the return of the enemy. With this view the baggage and provisions were conveyed back to Durham, and no man was permitted to carry with him more than a single loaf tied to his saddle. They set out at midnight: rode all day in a straight line over mountains and valleys, heaths and morasses: and a little before sunset crossed the river at the town of Haydon. Here they remained seven days, still ignorant of the motions of the enemy, and suffering from the continual rains, and the want of provisions.

July 20.

* Rym. iv. 292. Froiss. c. i. 16. Wals. 127. Lel. Coll. i. 307.

July 27. The soldiers murmured: suspicions of treason were circulated in the camp: and Edward by proclamation promised the honour of knighthood and an annuity of one hundred pounds for life, to the first man who should bring him intelligence of the Scots. The army

July 31. now recrossed the river, and on the fourth day about three in the afternoon, Thomas de Rokesby, galloping up to the king, said: "Sire, the Scots are at the distance of three leagues posted on a mountain, where for the last week they have expected you. I have seen them myself, having been made prisoner, and released, that I might claim the reward which you promised." Edward immediately turned to the neighbouring abbey of Blanchland, where he spent the night, and with many of his friends prepared himself by devotional exercises for the expected battle of the next day.

The armies meet. In the morning Rokesby led the army towards the Scots. They were encamped in huts on the summit of a mountain on the right bank of the

Aug. 1. Wear. At the sight of the English they formed themselves on foot in three divisions on the declivity, with the river between them and the enemy. Edward ordered his men to dismount, made several knights, and rode through the ranks attended by his principal lords. After a short pause the army marched slowly to the bank of the river: but the Scots remained immovable in their position: and an English herald was sent to propose, that one of the two nations should retire to a certain distance, and allow its adversary to cross the water, and form on the opposite bank. Douglas replied that he had come there against the will of the king, and should not leave the mountain to please him. If Edward were not content, he might cross over, and drive him away if he could. On the receipt of this uncourteous answer, the English were ordered to lay all night on their arms. The Scots, leaving a division to watch the river, retired to their huts, "where," says Froissart, in his quaint style, "they made marvellously great fires, and, about midnight, set up such a blasting and noise with their horns, that it seemed as if all the great devils from hell were assembled together."

Aug. 4. The two following days were spent in the same manner: but on the third at dawn the Scots had disappeared. They were discovered in the afternoon, posted on another mountain of still more difficult access, and on the same side of the river: and the king following, pitched his camp in Stanhope park, opposite to the enemy. In the midst

of the night an alarm was created by shouts of "A Douglas, a Douglas! die ye English thieves." That gallant chieftain had passed the river at a distance with two hundred followers, and entering the rear of the camp, galloped towards the king's tent, the cords of which he cut with his own sword. He killed about three hundred men, and retired with some loss.

The object of this nocturnal visit was soon explained. The next day Edward learned from a prisoner, that the whole Scottish army had received orders to assemble in the evening, and follow the banner of the lord Douglas. Apprehensive of a nocturnal attack, he called his troops under arms, and appointed them their stations during the night. All was tranquil and silent: in the morning two trumpeters were brought in, who declared that the Scots had left their camps at midnight, and were on their march towards Scotland. But the English disbelieved the account, and remained the greater part of the day in the same position. At length the fact was ascertained: to pursue a more active enemy, who was already at the distance of thirty miles, would have been a fruitless task: and the army marched back to Durham, and thence to York, where it was disbanded. Such proved the ludicrous result of this mighty expedition, in which the English commanders were foiled by the superior skill and activity of their foes.*

The Scots
escape.
Aug. 5.

Aug. 6.

Aug. 10.

Aug. 15.

This inglorious campaign was followed by a peace, which in the estimation of the people was equally inglorious. By a solemn instrument Edward resigned every claim of superiority over the crown of Scotland, which had been made by himself or his predecessors, and consented that the dominions of Bruce, his most dear friend and ally, should form a kingdom free and distinct from that of England, without subjection, right of service, claim or demand whatsoever.† At the same time, to perpetuate the harmony between the two nations, it was agreed that the stone, on which the ancient kings of Scotland had been crowned, should be restored; that the king of England should employ his good offices with the pope in favour of Bruce; that his sister Jane should marry David the son and heir of the Scottish monarch; and that the sum of thirty thousand marks should be paid to Edward as a compensation

Peace with
Scotland.
1328.
March 1.

* Froissart, i. c. 17. 18. Rym. iv. 301. 312. Lel. Coll. i. 551. Murim 77. Heming. 268.

† Rym. i. v. 337. Ford. xiii. 12.

for the damages inflicted during the last invasion. No copy of this treaty has been preserved by any writer: it is even uncertain whether it was ever approved by a *full* parliament.* Some of the articles were kept secret: the recognition of the independence of Scotland, which could not be concealed, provoked the execrations of the people against those who had submitted to sign such a treaty, after they had made it a capital charge against the younger Spenser, that he had not won the Scottish crown for his master. There can be no doubt that Isabella and Mortimer had their private interests in view.

July 12. The queen accompanied her daughter to Berwick, where she married her to David: and on the receipt of the money, divided the whole sum between herself and her paramour.†

Power of Mortimer. To a man of ordinary ambition the fate of Gaveston and Spenser in the last reign, might have proved a useful lesson: Mortimer not only walked in their footsteps, he assumed an authority, to which they had not aspired. When the council of regency was appointed, it had been directed that out of the number one bishop, one earl, and two barons, should daily attend the king, and give him their advice on all matters of importance. But Mortimer superseded them all: took their authority on himself, filled the court with his dependants, placed his creatures as spies round the young monarch, and maintained a guard of one hundred and eighty knights for his own security.‡ Such conduct naturally excited the jealousy of the great barons: his scandalous familiarity with Isabella, the murder of Edward of Carnarvon, who was now as much pitied as he had formerly been blamed, and the public disapprobation of the peace so recently concluded with Scotland, all concurred to embolden his enemies: and associations were formed to remove him from court, and to renew the ordinances which had been enacted and repealed in the last reign. A parliament had been summoned to meet at Salisbury, and the barons had been strictly forbidden to arm their attendants and followers. By both parties the prohibition was disregarded.

* In these times if there was not a *full* attendance in parliament, matters of consequence were put off till the next meeting. This appears to have been the case on the present occasion. A parliament sat at York in February, and another at Northampton in April: but no important business was done in either, on account of the absence of the principal members. Claus. 2 Ed. III. m. 15 d.

† Rym, iv. 337. 350. 354. 397. Heming. 269.

‡ Knyght. 2558. 2556. He was also made earl of the marches of Wales, at the same time that John of Eltham the king's brother was created Earl of Cornwall, and the Butler of Ireland earl of Ormond. Wals. 129.

Mortimer with a numerous army entered Salisbury, and Henry earl of Lancaster, the nominal guardian of the king's person, and president of the council, halted with an inferior force near Winchester. The favourite resolved to intimidate his enemies. He burst into the room, in which the prelates had assembled, forbade them under the peril of life and limb to oppose his interests, and taking with him the king and queen advanced towards Winchester. From Winchester he led his followers to Leicester, and plundered the ample domain of the earl of Lancaster in the neighbourhood. That nobleman had hitherto retired before Mortimer: he was now joined by the king's uncles, the earls of Norfolk and Kent, and ventured to advance in his turn. But at Bedford he was unexpectedly deserted by the royal earls; and despairing of success, submitted to ask pardon before the two armies, engaged to pay by instalments one half of the value of his estates, and entered into recognisances "not to do, nor procure to be done, any evil or injury to the king, or the two queens, or any other, whether great or small, of their council or household." Of his associates some were admitted to the king's peace on similar terms: but the lords Beaumont and Wake, sir William Trussel, and several others, abandoned their country, and sought an asylum in France.*

Of the tragedy which followed, both the origin and progress are involved in considerable obscurity. As the discontent of the nation increased many strange reports were circulated and believed. It was even affirmed that the late king was still alive; that the body exhibited at Berkley was that of another person; and that Edward himself was actually confined in Corfe castle, under the custody of Sir John De-verel. When the parliament assembled at Winchester, the earl of Kent the king's uncle, the archbishop of York, the bishop of London, with several knights and gentlemen, were unexpectedly arrested on the charge of having conspired to depose the king, and to replace on the throne his father, the account of whose death they did not believe. What was the real crime of the earl, whether he had opposed the measure of Isabella and Mortimer, or by his influence over the mind of his nephew had awakened their jealousy, we are ignorant: but from his confession and the subsequent proceedings it is plain, that the unfortunate prince was surrounded by the secret agents of the court, who under the guise of friendship drew him into the snare which cost

Execution
of the earl
of Kent.

1330.
March 11.

* Rot. Parl. ii. 52. Knyght. 2554.

him his life. He received letters, undoubtedly forgeries, from the pope, exhorting him to liberate his brother from prison; different messengers, most of them apostate friars, brought him from several prelates and gentlemen promises of co-operation and assistance: he was assured that the exiles in France, and a body of Scots, were prepared to draw their swords in his favour, the moment he should unfurl the royal standard; and sir John Maltravers, Deverel, and Boeges de Bayonne, not only encouraged him in the notion that the late monarch was alive, but even procured from him letters, which they undertook to deliver to the royal captive. On his examination by sir Robert Howel, the coroner of the household, he ingenuously confessed these particulars, and acknowledged that the letters, which, as soon as they were received, had been taken to the queen, were written partly by himself, and partly by his countess, under his direction. When he was arraigned before the peers, he repeated his confession, and threw himself on the king's mercy. Though they adjudged him to suffer the penalty of treason, it was believed that his birth would save him from punishment. But Isabella was inexorable: the son of the great Edward was led by the order of his nephew to the place of execution; and, after a painful suspense of four hours, a felon from the Marshalsea (no other could be found to perform the office) was induced by a promise of pardon to strike off his head.*

That the earl was in reality innocent, was afterwards acknowledged by Mortimer himself, when that nobleman in his turn was led to the scaffold:† nor is it probable that the court would have ventured to shed his blood, had he not rendered himself unpopular by his haughty and oppressive behaviour.‡ The nation suspected that he had been sacrificed to the policy of the queen and her paramour; and this suspicion was confirmed, when many of the accused, even those who had been implicated by the confession of the earl, were suffered to go at large on their recognisances, to answer on a

* Wals. 129. Lell. Coll. 476. 552. Murim. 74. Heming. 271.

† See the petitions of the countess of Kent and her son. Rot. Parl. ii. 33. 55. Both say that Mortimer publicly asked pardon of God for the death of the earl.

‡ *Eo minus a populo querebatur, quia pravam habuit familiam, res popularium eundo per patriam auctoritate propria occupantes, et parum vel nihil solventes eisdem.* Murim. 75. Indeed it is evident from the frequent complaints in parliament, that all the princes of the blood, and occasionally other powerful lords, were accustomed to take purveyance illegally. See Rot. Parl. ii. 9.

future occasion.* To silence the voice of the public, the government issued a proclamation, by which the sheriffs were ordered to arrest and imprison every man, who should assert that the earl of Kent had suffered for any other cause than treason; or that he had been condemned without the judgment of his peers; or that Edward of Carnarvon, the king's father, was still alive.

Edward was now eighteen, an age when his predecessors had been deemed capable of governing the realm: and Philippa of Hainault, whom he married in 1328, had borne him a son, the same who is so celebrated in history under the name of the black prince. He felt the state of dependance in which he was kept, and viewed with concern the past and present conduct of his mother. Nor was he without remorse as to the part he had acted himself. If his extreme youth could acquit him of the crime of dethroning his father; yet he had given his consent to the execution of his uncle, whose guilt was at the best very doubtful, but whose blood had served to cement the power of Isabella and Mortimer. At last he confided his thoughts to the discretion of the lord Montacute, who immediately exhorted him to break his chains, and assume the exercise of the royal authority. The king lent a willing ear to the proposal: a design was formed to seize the person of Mortimer: and it was fixed to make the attempt during the session of the parliament at Nottingham.

Fall of
Mortimer.

June 15.

When the time came, Isabella, with her son and her favourite, took up her residence in the castle: the prelates and barons were lodged in the town and the neighbourhood. But Mortimer had taken every precaution for his security. A strong guard lay within the walls: the locks of the gates were changed: and the keys were taken every evening to the queen's chamber, and laid on her pillow. Montacute found it necessary to make a confidant of sir William Eland the governor, whom he first swore to secrecy, and then acquainted with the royal pleasure. Eland replied that there was a subterraneous passage, leading from the west side of the rock into the castle, which was unknown to Mortimer, and through which he would introduce any number of the king's friends. Montacute, with his associates, fixed the hour, and rode into the country; and the favourite, who had received some dark hints of a conspiracy against him, attributed their departure to an ap-

* In the parliament held after Mortimer's execution they were all acquitted. The archbishop of York brought an action against his accusers, and laid the damages at 1000*l*. Rot. Parl. ii. 31, 32. 54.

He is ap- prehension that their design had been discovered. In the afternoon he informed the council that an attempt to oppress him and the queen mother would soon be made by the exiles abroad, in union with Edward's most intimate acquaintance at home. He even charged the king with being privy to the plot: and refused to give credit to his denial. Before midnight Montacute and

Oct. 19. his friends returned: Eland admitted them by the subterraneous passage: and they were joined by Edward on the staircase leading to the principal tower. They mounted in silence, till they heard the sound of voices in a room adjoining to Isabella's apartment, where Mortimer was engaged in consultation with the bishop of Lincoln and his principal advisers. The door was instantly forced, and two knights, who endeavoured to defend the entrance, were slain. The queen, alarmed by the noise, and conjecturing its cause, exclaimed, "Sweet son, fair son, spare my gentle Mortimer." But her fears would not permit her to remain in bed. She burst into the room, crying out that he was a worthy knight, her dearest friend, her well-beloved cousin. In defiance of her tears and exclamations, Mortimer was secured: and the

Oct. 20. next morning the king announced by proclamation, that he had taken the reins of government into his own hands; and summoned a new parliament to meet in a few weeks at Westminster."*

And exe- By this parliament Mortimer was condemned. cuted. The principal charges against him were, that he Nov. 26. had fomented the dissensions between the late king and his queen, and falsely persuaded her that she could not return to her husband without danger of her life: that he had illegally assumed that power, which was vested by law in the king's council alone: that of his own authority he had removed the late king from Kenilworth to Berkley, where he caused him to be put to death: that he had induced the present king to march with force of arms against the earl of Lancaster and other peers coming to parliament, and had compelled them to pay excessive fines for the preservation of their estates: that by his agents he had induced the late earl of Kent to believe that the king his brother was alive, and then procured his death on pretence of treason: and that he had embezzled the royal treasures, and had divided with his associates the twenty thousand marks

* See Rym. iv. 452. 473. Knyght, 2555, 2556, 2558. Wals. 130. Heming. 271. Avesb. 8. In the writs directed to the sheriffs, they are ordered to cause to be chosen by the common assent of the county two of the most loyal and sufficient knights or *serjeants*.

already paid by the king of Scots. The peers retired with the bill of impeachment, and after some deliberation, returned to the king, declared that all the charges were notoriously true, and as judges of parliament, condemned Mortimer "to be drawn and hanged, as a traitor and enemy of the king and kingdom." They next proceeded, at the request of Edward, to try his associates, having previously protested that they were bound by law to sit in judgment on none but peers of the land. Sir Simon Bereford, sir John Maltravers, John Deverel, and Boeges de Bayonne were condemned to death as accomplices of Mortimer; the first in all his treasons, the other three in the deception and consequent execution of the late earl of Kent.* The favourite and Bereford were hanged at the elms at Tyburn: but as the other three were at large, a price was set on their heads.† The queen mother at the solicitation of the pope was spared the ignominy of a public trial:‡ but Edward reduced her income to three thousand pounds, and confined her to her manor of Risings, where she passed in obscurity the remaining twenty-seven years of her life. The king annually paid her a visit of ceremony: he even added a thousand pounds to her yearly income: but he never more allowed her to assume any share of political power. After these executions he asked the advice of John XXII. for the regulation of his subsequent conduct; and was exhorted by that pontiff to shun the danger of favouritism, and, instead of following the interested councils of a few individuals, to govern by the united advice of his barons, prelates, and commons assembled in parliament.§

Nov. 29.

Dec. 22.

* Rot. Parl. ii. 52. It is observable that on this occasion the disgusting practice of embowelling was omitted.

† They were sentenced to be beheaded after they had been hanged. I know not whether the reward for their apprehension was apportioned by their quality or their demerit: but for Maltravers were offered a thousand marks, for Boeges 100 pounds, and for Deverel 100 marks. The price of their heads was fixed at 500 pounds, 100 marks, and 40 pounds. Rot. Parl. ii. 53. It was in the same parliament that the murderers of the late king were condemned. See vol. ii. p. 552.

‡ John XXII. wrote to exhort him to show mercy to his prisoners, and not to expose the shame of his mother. *Obsecramus te fili, per viscera misericordiae J. C. ut matris pudori, quantum secundum deum poteris, velis parcere, et ejus lapsum, si quis (quod absit) fuerit, non publicare, sed quantum bono modo poteris, ipsum potius studeas occultare.* Nov. 7, apud Raynald, iii. 413.

§ Ut circumscriptio regia non uni nec duobus communicaret regimen, nec unius vel duorum consilio regeretur, sed generali praelatorum, principum, et aliorum nobilium et comunitatum concilio congregato. Raynald, iii. 430. He at the same time dissuaded the king from going to Ireland.

Troubles in Scotland. Robert Bruce king of Scotland, had lived to see the independence of his crown acknowledged by the king of England. At his death he left to
 1329. Randolph earl of Moray, the guardianship of his
 June 7. son David, who was only in his seventh year. Formerly many of the barons of each kingdom possessed at the same time lands in the other. These, during the war, had been seized by the respective sovereigns: but it was confidently expected that at the peace they would be restored to their original owners. It seems, however, that by mutual consent, the great body of claimants, both Scots and English, was passed over in silence: only two of the negociators, the lords Percy and Wake, had the address to insert a particular clause in their own favour, and in favour of the lord Beaumont, the friend of Mortimer. Percy recovered his lands in Angus and Galloway, and in return an estate in Northumberland was, "by the king's special favour," restored to Douglas, the Scottish negociator. But Wake and Beaumont had joined the earl of Lancaster: the resentment of Mortimer compelled them to leave the kingdom: and their outlawry afforded the Scottish government a plausible pretext to refuse the restoration of their estates. Now, however, that Mortimer had fallen, and the exiles were recalled, Edward demanded that the treaty should be fulfilled in favour of these two barons.

1331. Randolph, the guardian of Scotland, required time
 Dec. 1. to consult the parliament; and when the demand was repeated, again returned an evasive answer.*

1332. In the mean time Wake and Beaumont repaired
 Feb. 24. to the northern counties, where they were joined
 The disin- by all the English lords, who claimed lands in
 herited no- Scotland, and by Edward Baliol, the son and heir
 blemen arm. of John Baliol, whom the king's grandfather had compelled to resign his crown. After some consultation they resolved to appeal to the sword: a resolve which placed Edward in a very delicate situation. On the one side he had sworn to observe the peace, and had given his sister in marriage to the young king of Scotland: on the other the minority of David offered the most favourable opportunity of recovering that superiority, which he would not have surrendered, had not Bruce taken the advantage of similar circumstances to invade England in violation of his oath. His counsellors, however, though they might secretly wish success to the enterprise, determined not to tolerate any open infraction of the treaty: and as soon as it was ascertained that the

* Rym. iv. 461. 471.

“querelours” (so the disinherited lords were called) were collecting forces to invade Scotland, the sheriffs of the five northern counties were enjoined to forbid, under pain of forfeiture and imprisonment, the passage of armed men through the marches, or the perpetration of any act which could be deemed a violation of the peace. Disconcerted by these orders, Baliol, with his associates, was compelled to alter his plan: and having secretly collected his followers in Holderness, he sailed with about three thousand men from Ravenspur, a port in the mouth of the Humber. Edward was at the time at Wigmore in the marches of Wales: but on the arrival of the news he appointed the lord Percy his lieutenant in the north, with full power to punish every infraction of the peace by his own subjects, and to repel the Scots, if they should pass the borders with hostile intentions.*

March 24.

They sail
from the
Humber.

Aug. 9.

When we read the adventures of Baliol, we may fancy ourselves transported into the regions of fiction. He lands at Kinghorn in Fife, orders his fleet to the mouth of the Tay, and hastens to meet an enemy, whose force is twenty times greater than his own. At Dunfermline he learns that the earl of Marre, the new regent (for Randolph was dead) is at Duplin, and the earl of March at Auchterarder, each at the head of thirty thousand men. He boldly throws himself between them, passes the river Earn in the dead of the night, and puts to the sword the sleeping and defenceless Scots; till the dawn of morning dispels the darkness, and allows the regent to discover his enemy. In the eagerness of revenge that nobleman hurries into a narrow pass, where his numerous followers, unable to arrange themselves in order, offer an easy victory to the English. I shall not startle the faith of the reader by enumerating the thousands of the slain: but the deaths of the earl of Marre, of many barons, and of almost all the men at arms, sufficiently prove the enormous loss of the Scots. From Duplin moor Baliol hastens or rather flies to Perth, while the earl of March, who had not joined in the battle, pursues with equal rapidity. The adventurer has just time to clear the ditch, and erect a defence of palisades, before the enemy arrives. His good fortune, however, befriends him again. The Scottish fleet is destroyed in an attack on the English squadron in the Tay; distrust and scarcity gradually dis-

Success of
Baliol.

Aug. 6.

Aug. 11.

Aug. 13.

Aug. 26.

solve the army of the besiegers: the ancient friends of his family resort to his standard; and he is crowned at Scone by the bishop of Dunkeld. Astonished at the rapidity of his success, his enemies solicit a suspension of hostilities, and propose a convention of the states to settle the kingdom. Baliol consents: is surprised at Annan by the earl of Moray during the armistice; and with difficulty escapes to the English marches, a solitary and helpless fugitive. It employed him only seven weeks to win the crown: in less than three months he had lost it.*

Edward's
ambiguous
conduct.

Sep. 9.

When the news of Baliol's first success arrived, the parliament was sitting at Westminster, and had been consulted by Edward respecting the expediency of a voyage to Ireland. They now advised him to postpone every other business, and to repair to the northern counties with the wisest of his council, and a numerous body of forces to prevent or repel the eruptions of the Scots. Another parliament was held at York in December: and to it the king put the question, whether he ought to require from Baliol, who was now king of Scotland, a recognition of the superiority of the English crown, or to claim the kingdom for himself as heir to Edward I. to whom it had been forfeited; or content himself with requiring some concession as an equivalent from the new king. The members present requested permission to wait till there should be a fuller attendance: and about a month later the prelates, barons, and commons assembled in three separate chambers to deliberate on the subject. But the opinions were so divided, that at

Dec. 4.

the end of five days they had come to no determination: and Edward calling them before him, announced by the chancellor that he would take the advice of the pope and the king of France: and in the mean time order a vigilant watch to be kept in the marches, and have six of his council always near his person, to be prepared for any event which might happen.†

Jan. 22.

Before Edward put this question to his parliament, he had secretly concluded two treaties with Baliol. By the first the new king acknowledged that the

Nov. 23.

* Ford, xiii. 23—25. Hem. ii. 278. Knyght, 2560. 2562. Lel. Col. i. 553.

† Rot. Parl. ii. 66—69. The first chamber consisted of six prelates and six barons: the second of the other prelates and barons, and the proxies of prelates and barons, and the third of the knights, citizens, and burgesses. Ibid.

crown of Scotland was a fief belonging to the crown of England; transferred to Edward the town and castle of Berwick, to which other lands were to be added to the yearly value of two thousand pounds, in return for the advantage which he had derived from "the sufferance of his said lord and the good aid of his vassals;" offered to marry the princess Jane, if her marriage with David Bruce did not proceed; and engaged to grant to that young prince such an establishment as the king of England should think proper. By the second, each monarch bound-himself to assist the other with all his power against every domestic enemy. These treaties were to have been ratified in their respective parliaments: but the expulsion of Baliol suspended their effect, and they were in all probability concealed from the knowledge of the public.*

But the real wishes of the English king were soon gratified by the impetuosity of the Scots; and their repeated incursions furnished him with the pretext that they had violated the treaty of peace, and induced the English parliament to give its approbation to a renewal of the war. The campaign was opened by Baliol with the siege of Berwick, which was gallantly defended by the earl of March the commander of the castle, and sir Alexander Seaton the governor of the town. Two months elapsed before the king of England arrived: but the operations of the siege were immediately pushed with new vigour; and in a general assault the town was set on fire. The inhabitants, intimidated by their dangers, stipulated to open the gates, unless they were relieved before a certain day; and sir Archibald Douglas, the new regent, anxious to save so important a fortress, passed the Tweed with a numerous army, and offered battle to the besiegers. Edward kept within his entrenchments; and the regent, having thrown a few knights and some provisions into the place, departed the next morning, ravaged Northumberland, and laid siege to the castle of Bamborough, in which queen Philippa resided. The king now demanded the surrender of the place; the Scots replied that it had been relieved: and the English in revenge hanged one of the hostages, the son of the governor. This act of severity alarmed the relations of the hostages that sur-

He makes
war on
Scotland.
1333.

March 3.

May 20.

July 11.

* Rym. iv. 536—539. In this instrument Baliol says that he had done liege homage and sworn fealty to Edward for the Scottish crown. He even relates the very terms of his oath. Yet there is no evidence or probability that they had ever seen each other since the commencement of Baliol's expedition.

July 16. lived; and a new agreement was made by the earl of March and sir William Keith, who had assumed the command of the town, to admit the English within the walls at the end of three days, unless the Scottish army should previously raise the siege, or introduce a body of three hundred men at arms into the place between sunrise and sunset of the same day.* A messenger was

Battle of
Halidon
hill.

July 19. instantly despatched to the regent, and on the afternoon of the third day the Scottish army was seen advancing in four bodies to attack the besiegers. Edward drew up his army on Halidon hill: from which the archers annoyed the enemy, as they struggled through the marshy ground at the foot, and climbed up the declivity of the mountain. The Scots were fatigued and disordered before they could reach their opponents: and the obstinacy with which they fought, served only to increase their loss. The regent, six earls, and many barons fell on the field of battle: the fugitives were pursued by Edward and a party of horse on one side, and by the lord Darcy, and his Irish auxiliaries on the other: and the slaughter is said to have

Surrender
of Berwick.

exceeded that of any former defeat. The town and castle were immediately surrendered: and the young king with his wife, the sister of Edward, was conveyed, for greater security, from Dumbarton into France, where he resided for several years at Chateau Gaillard.†

Adven-
tures of
Baliol.

Baliol was now again seated on the throne of Scotland: and Edward required him to fulfil his former engagements. A parliament was called at Edinburgh, the demands of the king were admitted without opposition: and all the country to the east of a line drawn from Dumfries to Linlithgow was by general consent separated from the crown of Scotland, and annexed to that of England.‡ This impolitic dismemberment of the kingdom enraged the Scots: while the dissensions among the English barons, who had been restored to their estates, encouraged the friends of David. A new guardian or regent was appointed, the cause of independence again triumphed, and Baliol was compelled to take refuge in the lands which he had ceded to Edward. But it would weary the patience

* Compare the documents in Rymer (iv. 564—568) with the very circumstantial account of the siege in the extract from the *Scots Chronica*, published by lord Hailes, ii. 316.

† Knyght. 2563, 2564. Ford. xiii. 27, 28. Heming. ii. 275, 276.

‡ Rym. iv. 590. 614.

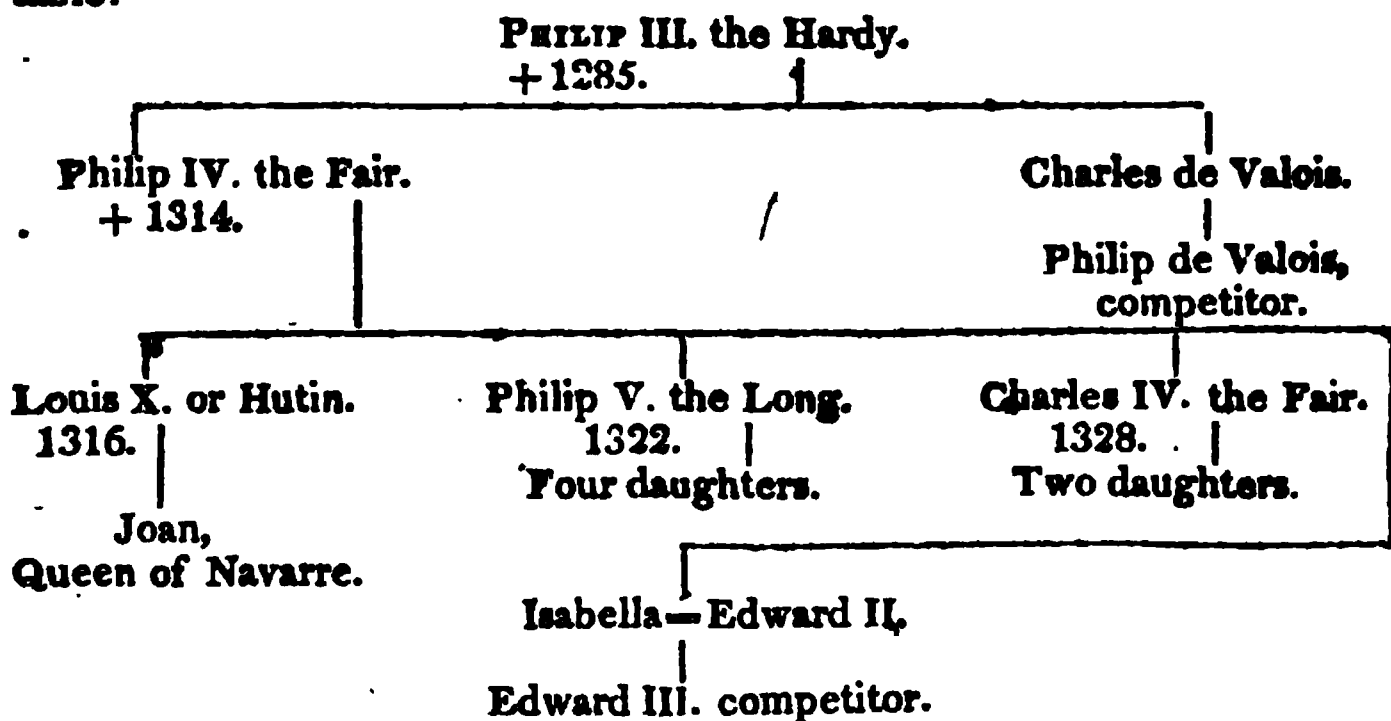
of the reader to pursue his history to a greater length. For several years he contrived to struggle against the obstinacy of his opponents, and the perfidy of his followers. As long as he was supported by the king of England, he rose victorious from every disaster: but from the moment that Edward determined to claim the crown of France, the war was suffered to languish: fortress after fortress surrendered to the adherents of David: that prince at length ventured to revisit his kingdom: and Baliol, instead of wielding the sceptre of Scotland, was employed in protecting from insult the northern counties of England.*

To understand the line of policy pursued by Edward during the remainder of his reign, we must revert to the succession of the French monarchs. Philip IV., surnamed the fair, died in 1314, and left three sons, Louis, Philip, and Charles, who all, in the short space of fourteen years, successively came to the throne, and all died without male issue. At the decease of Charles IV., the youngest brother, it was necessary to seek for the true heir among the descendants of their predecessors: and two competitors appeared, Edward of England, and Philip of Valois, the former as grandson of Philip IV. by his daughter Isabella, the latter as grandson to the father of that monarch, Philip III. by his son Charles de Valois.† It had indeed been de-

Edward's claim to the crown of France.

* David with his consort landed at Inverbervie, 4th March, 1331. Those who wish to be acquainted with the Scottish transactions of this period, may find a satisfactory account in the Annals of Scotland, by lord Hailes, ii. 160—213.

† Their descent will perhaps be better understood from the following table:—



Hence it will be seen that Edward, to prove his claim, was obliged to maintain three principles; 1. That females were excluded from the crown of France, otherwise Jane, the daughter of Louis X., ought to have succeeded

cided at the death of Louis, in 1316, who left a daughter, Jane, that females were by the fundamental law of the kingdom excluded from the French throne: but Edward was taught to contend that, though his mother's sex might be a disqualification as far as personally regarded herself, it could be no bar to the succession of her son: while Philip on the contrary maintained that a mother could not transmit to her issue any right, of which she was never in possession herself. This important cause was brought before the twelve peers and the barons of France. They unanimously set aside the pretensions of Edward: Philip mounted the throne; and the king of England was summoned to do homage to the new sovereign for his duchy of Guienne.

The jealousy which these rival claims had excited, was never extinguished: and each prince had, or pretended to have, many causes of complaint against the other. Philip kept possession of several fortresses in Guienne, claimed by the king of England: and Edward when after much tergiversation he consented to do homage, did it in general terms, omitting the liege promise of faith and loyalty.* In 1331 a partial adjustment of their differences took place: Philip restored certain castles to Edward: and Edward by a public instrument acknowledged that the homage for Guienne ought not to have been general but liege.† The other subjects of contention were referred to the award of arbitrators: and a confident hope was entertained that peace would be preserved, when the opposite interest which each felt in the affairs of Scotland, awakened their former jealousy, and hurried them into hostilities.

It had long been the policy of the French crown to support the Scottish kings against the superior power of England. When David was driven from his throne, Philip took him under his protection, gave him an asylum in his dominions,

to that crown as well as to the crown of Navarre: 2. That the male issue of such females was not excluded, otherwise he could have had no right himself: and 3. That such male issue, to inherit the crown, must have been born during the lifetime of the grandfather: otherwise the grandsons of Philip V. and Charles IV. would have had a better title than Edward.

* Rym. iv. 390.

† Rym. 477. To prevent future disputes, it was agreed that the ceremony should be performed in the following manner. The king of England shall put his hands between those of the king of France: and the officer of the court shall say to him, Sir, you become the liege man of the king of France, my lord here present, as duke of Guienne and peer of France, and promise to bear him faith and loyalty. Say voire or yes. And the said king and duke shall say, voire. Id. 391.

and repeatedly aided his partisans with money and ships. Edward beheld this conduct with displeasure, and laboured, but in vain, to detach the French monarch from the cause of the orphan. He suggested to him different intermarriages between their children, proposed to pay him a considerable sum in return for the restoration of his fortresses, and offered to accompany him in a crusade to the holy land.* But the jealousy of Philip was not to be laid asleep: every advance was eluded or rejected: and continued irritation induced the king to turn his arms from Scotland against France, and to revive his former claim to the French crown, which by doing homage to Philip he had in fact long ago abandoned. It might flatter the vanity of Edward as a bold, but the event showed that it was an injudicious measure. Unincumbered with a continental war, he was perhaps equal to the conquest of Scotland. By aiming at too much, he ultimately gained nothing.

By the public the king's determination was attributed to the influence of a stranger and an outlaw, whose previous conduct had brought indelible disgrace on his character. Robert II. count of Artois, had two children, a son Philip, and a daughter Matilda. Robert, the present adviser of Edward, was the son of Philip: but his father had died before the grandfather; and in Artois the succession did not follow the line of descent, but was attached to proximity of blood. Hence it happened, that on the death of Robert II., Matilda obtained the county in preference to her nephew. She died in 1318, and Robert immediately seized Artois by force: but was soon expelled by Philip V. of France, who claimed it in right of his wife, the daughter of Matilda. Robert acquiesced: but when Philip of Valois, whose sister he had married, ascended the throne, he demanded a revision of the judgment which had deprived him of Artois. His petition was granted; and during the process he laid before the court four charters, which he pretended had been purloined, and secreted by Matilda, but which on examination proved to be forgeries. The fabricators of these instruments were condemned and executed: Robert fled to Namur, and was declared an outlaw. The time of his exile was employed in devising schemes of revenge: the king and queen of France became the principal objects of his hatred; and to satisfy it, he had recourse to the spells of the sorcerer, and the dagger of the assassin. Driven

Story of
Robert of
Artois.

* Edward, both before and during the war, published these offers in his own justification. Rym. iv. 885. v. 160.

from Namur he came to England ; where he insinuated himself into the confidence of Edward, obtained from him a yearly pension of eight hundred pounds, and in return taught him to indulge the flattering but visionary hope, of being able to tear the French crown from the brows of Philip, and to place it on his own head.*

The king
subsidizes
allies.

To carry into execution the mighty designs which he had formed, Edward was advised to solicit the aid of the continental princes and sovereigns. With this view he concluded alliances with Louis of Bavaria emperor of Germany, the dukes of Brabant and Gueldres, the archbishop of Cologne, the marquess of Juliers, the counts of Hainault and Namur, and other princes of inferior consideration and power. He sought out, and retained every foreign adventurer, who could bring a few men at arms into the field; and condescended to cultivate the friendship of Jacob Von Artaveldt, the celebrated brewer of Ghent, who had established democratic factions in all the opulent cities of Flanders, and with their aid reigned more absolutely than the earl, the rightful but almost nominal sovereign. Neither did Philip neglect the storm which he saw gathering around him: but sought to fortify himself against it by the aid of his neighbours. Among his allies he numbered the kings of Navarre and Bohemia, the dukes of Bretagne, Austria, and Lorraine, the palatine of the Rhine, and most of the petty princes of Germany. Thus more than half of the sovereigns of Europe were arrayed against each other: and the eyes of all christendom were directed to the issue of the contest.†

And begins
the war.

The king, to defray the expenses of his intended expedition, had recourse to subsidies, tallages, and forced loans: he pawned his jewels and crown: he seized for his present use the tin and wool of the year: and yet he had the address to make the war popular with the nation, or at least with its representatives. The commons petitioned him to pursue his right: the lords gave their consent,‡ and in the summer of 1338 he sailed with a numerous fleet from Orewell to Antwerp. To his disappointment he soon learned that it was more easy to purchase the promises, than the co-operation, of his allies. Though he granted commercial indulgences to the

1338.
July 15.

* See a memoir by Mons. del Averdy, in the account of MSS. in the library of the king of France, ii. 337. Froissart, i. 27. Rym. v. 19.

† Froissart, c. 27, 28. Rym. iv. v. passim.

‡ He says he undertook the war *sensu procerum, et ad instantiam communis*, v. 3.

towns of Brabant and Flanders, though he scattered with a lavish hand the treasures which he had brought with him from England, every attempt to draw them into the field was fruitless: and he was compelled to satisfy himself with their respective engagements to join him the next year in the month of July, and to open the campaign with the siege of Cambray. Even this cost him a journey to Coblentz, where the emperor, by investing him with the title of vicar or deputy, gave him authority to receive the homage, and to command the services, of the princes belonging to the empire.* In the spring he summoned his allies to assemble at the appointed time: and about the middle of September he was able to lead an army of fifteen thousand men at arms to the walls of Cambray, which with its territory was comprehended within the ancient limits of the empire. Here he spent four days in laying waste the country: but as soon as he had crossed the borders of France, the counts of Namur and Hainault fell back, on the pretext that his authority as imperial vicar expired the moment he entered a foreign territory. He dismissed them with thanks for their past services, and continued his march, ravaging the country, and burning the villages for the breadth of twelve leagues, from Bapaume to Peronne and St. Quintin. Here, however, the rest of his allies refused to advance. Why, they asked, should they leave the frontiers of Hainault, whence they drew all their supplies? Let Philip come and seek them, since he had so often sworn that the king of England should never possess two feet of land, nor spend a whole day within the borders of France.† Edward reluctantly yielded to their advice, and directed his march towards the Ardennes, when letters were received from different persons in the French army, offering on the part of Philip to fight on the following Thursday, if the king would choose a field of battle in an open plain, without wood, water, or morass. He therefore recalled his detachments, which had spread devastation to the gates of Laon, and waited for the enemy at the village of La Flamengrie. On the Friday evening it was ascertained, from the information of the prisoners, that Philip was

Sep. 2.

1339.
Sep. 20.

Sep. 25.

Oct. 17.

Oct. 22.

* It appears from Rymer, that he was at Coblentz till the 6th of September. Rym. v. 81. Walsingham tells us that the emperor was displeased, because Edward did not, like other princes, offer to kiss his imperial feet: but was answered, that being an *anointed* king, he was exempt from that ceremony. Wals. 146.

† Phelip de Valoys avoit jurez que nous ne ferrons jammes demore une jour od nre host en Fraunce, quil ne nous durroit bataille. Avesb. 47.

arrived at Vironfosse, about five miles distant, and intended to fight the next day. In the morning Edward marshalled his forces on foot in three divisions, with the English archers and Welsh lancers before the men at arms; and, mounting a palfrey, rode from banner to banner, recommending to the courage of the troops the preservation of his honour. Philip had arrayed in similar order his more numerous forces: but his ardour for battle was checked by the cooler policy of his council, who represented that the king of England dared only creep along the borders, that such another expedition must be his ruin, and that it was folly to stake a crown on the uncertain issue of a battle, when the best advantages of victory might be secured without any risk. The English, full of hope and courage, impatiently waited the approach of the enemy: in the evening their scouts reported that the French were employed in felling trees, opening ditches, and fortifying their camp. The king repaired for the night to Avesnes, and sent word to Philip that he would expect him another day: but learning that the enemy had marched back into the interior,

Nov. 12. he assembled his allies, thanked them for their exertions, and disbanded his army. Such was the issue of this formidable expedition, in which Edward had uselessly expended the immense treasure which he had drawn from England, and had moreover involved himself in debt to the enormous amount of three hundred thousand pounds.*

The pope exhorts him to peace. From the moment that the real object of the king of England was disclosed, the pope Benedict XII. had most earnestly laboured to prevent the effusion of blood. With this view he had repeatedly despatched legates to the contending monarchs, and at last had offered as their common father to take on himself the office of arbitrator, and to weigh with an impartial hand their respective pretensions. But when he learned that Edward had sought the friendship of the emperor Louis, and had accepted from him the title of vicar of the empire, he wrote a long and expostulatory letter, reminding the king that Louis had never been acknowledged as emperor by the apostolic see: that he had raised up an antipope, and endeavoured to plunge the Christian world into schism: that he had been excommunicated by the last pontiff; and that a similar sentence had been fulminated against his abettors. But the king was immoveably fixed in his purpose: he evaded the offers and reproaches of the pontiff by declaring that it was his earnest

* See the king's letter in Avesbury, 47—49. Heming. 309. Knyghton, 2573. Froissart, c. 39, 40, 41.

wish to reconcile Louis with the church, and that he was ready to accede to any honourable terms, which Philip or Benedict might propose:* and immediately afterwards, at the solicitation of Artaveldt, publicly assumed the title of king of France, and quartered in his arms the French lilies with the English lions. In two proclamations issued at Ghent, and circulated through the Low Countries and the neighbouring provinces, he set forth his undoubted right to the French crown, of which, by reason of his tender age and ignorance of law, he had been deprived by the insatiable ambition of the lord Philip de Valois; enumerated all the injuries which he had received from that prince by the invasion of his rights in Guienne, the support of his rebellious subjects in Scotland, and the depredations committed on the English commerce at sea; and concluded with a declaration that he now revoked his former homage and his recognition of Philip, and took upon himself, what was his own hereditary right, the dignity of king, and the government of the kingdom of France.†

This new measure drew from the pontiff a sensible and affectionate reproof. He wrote to Edward that his own ambition, and the interested advice of his allies, were leading him into difficulties and disgrace: that it was madness for a stranger to rely on the fidelity of the men of Flanders, who had always been noted for disloyalty to their native princes: that he had acted precipitately at the best in proclaiming himself king of France, before he was in possession of any part of that kingdom: that, unless the heirs of females were capable by law of inheriting the crown, he could have no pretensions; and if they were, there existed persons still living, the issue of the daughters of his uncles, who had a nearer, and therefore a better claim: that by doing homage to Philip de Valois he had acknowledged the title of that prince, and by assuming it himself would irritate all the natives of France: that to wrest the sceptre from his rival by force was, in the estimation of every indifferent judge, an impracticable attempt: and that the event would convince him of the perfidy of his allies, who, when they had once exhausted his treasures, would leave him to make the best terms he could with an exasperated and powerful adversary.‡

But no arguments could convince the ambition of Edward. To raise money for the payment of his debts and the expenses of another campaign, he determined to revisit England, and left his queen

Edward
gains a vic-
tory by sea.
1340.

* Rym. iv. 826. v. 88. 128. 146. 156.

† Rym. v. 158—163.

‡ Id. v. 173.

at Ghent as a hostage for his speedy return. From his parliament he obtained an unprecedented supply, and was preparing to fulfil his engagement, when advice was brought that Philip, to intercept him on his passage, had assembled with the aid of the Genoese and Normans a powerful fleet in the harbour of Sluys. The king immediately collected every vessel in the southern ports, and declared his intention to seek and fight the enemy. The opposition and entreaties of his council were despised. "You are all," he exclaimed, "in a

June 22. conspiracy against me. I shall go: those who are afraid, may stay at home." He sailed with

a gallant fleet from Orewell, and the next evening, off Blankenberg, discovered across a neck of land the forest of masts which occupied the harbour. Three knights were landed, who reported at their return, that they had reckoned nineteen sail of unusual dimensions, two hundred ships of war, and a still greater number of smaller vessels. During the night the

June 24. enemy moved from their anchorage, and at sunrise were discovered in four lines moored across the passage. Their ships carried turrets provided with stones on their mast heads, and were fastened to each other with chains of iron. Edward placed the strongest of his ships in front, so that every vessel carrying a body of men at arms was accompanied with two sail manned with archers: while the noble ladies, who, to the number of fifty, had come to attend on queen Philippa, were intrusted to the protection of a strong guard behind the reserve. At first the king put out to sea: a movement which impressed the enemy with a notion that he declined an engagement: but his object was to avoid the sun, which shone full in his eyes; and soon afterwards, having the wind and tide in his favour, he bore down on the first line of the French. Each commander selected his opponent, and met with a gallant resistance: but the discharges of the archers gradually cleared the decks of the enemy: the men at arms immediately boarded: every ship in the first division was captured; and the banner of England waved triumphantly over the colours of France.

At this important moment arrived the lord Morley with a fleet from the northern counties; and the victors with their friends proceeded to attack the three remaining divisions. But a panic struck the second and third lines of the enemy: the men leaped from their ships, which they could not disengage, into their boats: and more than two thousand are said to have perished in the waves. The fourth line remained, consisting of sixty large vessels, reinforced by the bravest of those who had escaped from the captured ships. This, though

the victory was already won, opposed an obstinate resistance to the conquerors; and by prolonging the contest till midnight afforded to a few stragglers the opportunity of escaping in the dark. With the exception of these the whole fleet remained in the hands of the English. Edward is said to have lost two ships, which were sunk, and about four thousand men: the slain and drowned of the enemy amounted to seven times that number.* History hardly presents an instance of a naval victory more complete or more sanguinary. The French ministers dared not acquaint Philip with the disaster: it was first hinted to him by his buffoon.†

Crowned with the laurels of victory Edward landed the next morning, repaired to the church of Ardembourg to return thanks to the Almighty, and hastened to visit his royal consort at Ghent.

But fails
in his at-
tempt on
Tournay.

The report of his arrival soon crowded his court with the principal of his allies, and the treasures which he brought with him gave such activity to their exertions, that in a short time he marched at the head of two hundred thousand men to undertake at the same time the two sieges of Tournay and St. Omer.‡ Yet these mighty preparations, which astonished all Europe, after a few weeks ended in nothing. The force which, under Robert of Artois, advanced towards St. Omer, was dispersed before it reached its destination. A detachment had been surprised in the little town of Arques: Some of the fugitives about midnight reached the camp in the vale of Cassel: a causeless alarm was raised and propagated with rapidity, and sixty thousand men fled in every direction, leaving behind them their baggage, their arms, and their general.§ Edward himself surrounded Tournay with a numerous force: but it was resolutely defended by a garrison consisting of thirty thousand select men. From his camp he wrote, in the true spirit of chivalry, a challenge to Philip de Valois, proposing to him to fight singly, body to body, or to leave the decision of their quarrel to one hundred combatants on each side, or to appoint a day when they should engage with all their forces.

July 26.

July 30.

The king of France replied, that it was not for him to answer letters addressed to Philip de Valois: but he would observe

* For this battle, see Froissart, c. 49. Avesbury, 55. 59. Heming. 320, 321. Knyght. 2577. Rymer, v. 195.

† The buffoon called the English cowards; and when the king asked the reason, replied that they had not the courage to leap into the sea like the French and Normans. Wals. 148.

‡ See his letter to his parliament, Rym. v. 197.

§ Froissart, c. 61.

that Edward, in violation of his homage and fealty, had a second time entered the French territory, and that his sovereign lord would drive him out of it again whenever he should think proper.* Philip had resolved to pursue the same policy, which had proved so useful the last year, to exhaust the finances of his rival without allowing him an opportunity of gaining any decided advantage. From the neighbourhood of Bouvines, at the short distance of three leagues, he watched, but did not interrupt the operations of the besiegers. The garrison had turned every useless mouth out of the city; yet at the expiration of some weeks the horrors of famine were severely felt, and the fall of the place was confidently anticipated, unless it should be relieved by the result of a battle. At this crisis Jane of Hainault, the sister to the king of France, and mother to the queen of England, left the convent in which she had resided since the death of her husband, and on her knees besought Edward to consent to an accommodation.†

And concludes an armistice.

Sep. 25.

Nothing could be more repugnant to his wishes or interests. But the predictions of the pontiff now began to be verified. His treasures were exhausted: his allies refused to fight without money: and he reluctantly acquiesced in an armistice for nine months, in which the Scots were included, and which before its expiration was prolonged for another year.‡ A hope was cherished, that in the interval might be laid the foundation of a lasting peace: but, though the pope employed all the influence which he possessed, nothing could subdue the obstinacy of the two monarchs. Edward, indeed, was induced to waive his other claims, provided he might enjoy not only the possession but also the sovereignty of Guienne: but the pride of Philip refused to treat on any conditions, till his rival had erased from his arms the lilies, and formally renounced the title of king of France.

The king returns and prosecutes his ministers.

Edward retired in sullen discontent from the walls of Cambray. By the most urgent messages he required money from England: but the exchequer was unable to satisfy his demands; and the clamours of his allies, who required the discharge of their arrears, compelled him to borrow of usurers at exorbitant interest.§ Some of his courtiers improved the opportunity to instil into his mind suspicions of

* Rym. v. 198—200.

† Froissart, c. 62. Avesb. 64.

‡ Rym. v. 205—209. 281. His excuse to the emperor is that he was compelled by his allies. *Opotruit nos eorum sequi consilia, qui nobis comitivam et auxilium tunc fecerunt.* Id. 264.

§ Rym. v. 226.

the fidelity of his ministers: and suddenly, without any previous notice, leaving the earl of Derby and other noblemen in pledge with his creditors,* he sailed in stormy weather from a port in Zealand, stole unperceived up the Thames, landed about midnight at the Tower, and the next morning displaced the chancellor, treasurer, and master of the rolls, confined three of the judges, and ordered the arrest of most of the officers employed in the collection of the revenue. But the man whom he principally wished to secure, archbishop Stratford, president of the council, escaped to Canterbury, and set his enemies at defiance. When he was summoned to appear before the king, he appealed in his own favour, and in favour of his colleagues, to the provisions of the great charter, renewed the ancient excommunication against those who should violate the liberties of Englishmen, and refused to answer before any other judges than his peers assembled in parliament. Edward, afraid in his present circumstances to proceed to extremities, condescended to enter into a personal controversy with the primate; and ordered a proclamation to be read in all churches accusing Stratford of having intercepted the supplies granted to the king, and either appropriated them to himself, or diverted them into different channels.† To this proclamation the archbishop opposed a circular letter, in which he victoriously refuted the charge by showing, it was impossible to collect the taxes for the whole year while the king was lying before Cambray; and that, if they had been collected, they were already mortgaged for the payment of the debts contracted in the preceding year.‡ The sequel of the quarrel is interesting, as it involves a question respecting the privileges of the peerage. When the parliament assembled, the archbishop obeyed the summons, but was stopped at the entrance of the hall, and hurried into the court of exchequer to hear an information which had been lodged against him by the king's order. On the following days he repeatedly attempted to enter, and was repeatedly excluded, with the bishops of Chichester and Litchfield, the late chancellor and treasurer. He protested against the injury, which was thus offered to the first peer in the

Nov. 30.

Accuses
archbishop
Stratford.

1341.
Feb. 10.

Feb. 22.

The rights
of the
peerage.
April 23.

* Id. v. 277.

† Rym. 225—228.

‡ Ang. Sac. i. 27—36. The king replied: but the violence of his answer proves that he could not refute the primate. See it in Rymer, 240. Ang. Sac. i. 36. And the whole correspondence in Hemingford, 326—352.

realm: the other lords considered it a violation of their privileges; and their opposition compelled the king to adjourn the

parliament from day to day. At length he allowed
 April 28. the primate to take his seat; but immediately left

the house, and employed sir John Darcy and sir
 April 30. William Killesby to accuse him before the citi-
 zens of London and the house of commons. But the lords

were not to be diverted from their purpose. They petitioned
 the king to acknowledge, that, when a peer was impeached

by the crown, he could not be compelled to
 May 3. plead before any other tribunal than the high
 court of parliament: and when Edward objected that such an

acknowledgment would be prejudicial to the pub-
 May 7. lic interests, and derogatory from the rights of

the crown, they requested permission to refer the question
 to a committee of four prelates, four earls, and four barons.

The report of the committee was unanimously approved: and
 an address was voted to the king, in which it was stated as

an undeniable principle, that no peer could be arraigned, or
 brought to judgment, except in parliament, and by his peers.

A doubt, they observed, had been raised, whether a peer,
 who had been employed in the great offices of the crown,

might not, on account of his office, be called before some other
 court of justice: but it was their opinion that, even in such

case, he ought not to be arraigned at the prosecution of the
 king, nor lose his temporalities, lands, tenements, goods, or

chattels, nor be arrested, imprisoned, or outlawed, nor plead,
 nor receive judgment, except in full parliament, and before

his peers.* The necessity of procuring a supply induced
 Edward to acquiesce: at the joint prayer of the lords and com-

mons, he received Stratford into favour; and when that pre-
 late requested that he might be treated as a peer, and allowed

to prove his innocence by a trial in parliament, he consented
 to his request, on condition that both houses should previous-

ly take the subject of supply into consideration. A com-
 mittee of two prelates and four earls was appointed to receive

the answers of the primate: but their decision was deferred
 till the next parliament.†

* They admitted, however, that if a peer had been sheriff, or in the receipt of the king's monies, he ought to account for them at the exchequer in person or by attorney; and also that a peer, if he pleased, might plead before another court: but without any prejudice to the rights of the peerage as far as regarded others, or himself on future occasions. Rot. Parl. ii. 126, 127.

† Ibid. 127. 131.

Such had been the urgency of the king's warrants, as to admit of no delay; and the lords, clergy, and commons embraced the opportunity to require the redress of their respective grievances.

Edward's
dissimula-
tion.

All their petitions were cheerfully granted, embodied in the form of a statute, and published under the great seal: but Edward had previously signed a paper, in which he protested against them as injurious to the rights of his crown, and declared that what he had conceded through necessity, he would afterwards revoke at his own convenience. As soon as he had reaped the advantage of this dissimulation, he was not ashamed to avow and defend it. In a circular letter to the sheriffs of the counties, he stated that the obstinacy of the parliament had threatened the most serious evils; that it was his duty, in such circumstances, to dissemble: that he had pretended to assent to their petitions, while in reality he protested against them; and therefore he did now by his own authority, with the assent of his council, revoke and annul the late statute.* It was necessary that the other orders should acquiesce till the next parliament: but the convocation of the clergy had already been summoned, and to prevent it from employing the spiritual arms of censure and excommunication in defence of the clerical privileges, Edward wrote to the archbishop, forbidding him, under the severest penalties, to undertake the defence of the pretended statute, or to form any resolution in contempt of the royal authority.† Two years elapsed before he ventured to meet his parliament. He had then the address to prevail on both houses to consent to the repeal, on condition that the principal of their requests should be granted; and at the same time ordered the process against the primate "to be erased, and quashed as contrary to reason and truth."‡

The failure of the two last campaigns might have weaned Edward from his attachment to continental alliances. But he was destined to experience a more cruel mortification. The emperor, who had concluded a peace with France, revoked his

The king
supports
the new
duke of
Bretagne.

* *Dissimulavimus sicut oportuit, et dictum prætensum statutum sigillari permisimus illa vice.* Rym. v. 282. The principal articles of this statute, concerned the privilege of the peerage mentioned above, a provision that the clergy should not be unduly interrupted in their courts by the civil officers, and an order that all the great officers of the crown should be sworn to observe the magna charta; that at the commencement of each parliament they should be suspended from the execution of their duties for a few days, and during that interval should answer all complaints against them before the house of lords. Rot. Parl. ii. 132, 133.

† Brad. iii. App. 83.

‡ Rot. Parl. ii. 139.

June 25. commission of imperial vicar :* and the princes of the empire declined to fight any longer under the king's banner. It is not improbable that in these circumstances the quarrel between the two crowns might have been accommodated, had not an event happened, which promised to open to the king of England a road into the heart of France. John III. duke of Bretagne, had three brothers, Guy, Peter, and John earl of Montfort. Guy and Peter died before him, but Guy had left a daughter, Jane, who, as the duke had no children, was considered by her uncle and the states as apparent heir to the dutchy, and as such was married to Charles

de Blois, nephew to the king of France.† But April 30. when John himself died, his brother Montfort claimed the succession, seized the treasures of the late duke, obtained possession of the principal fortresses, and crossing over to England, did homage, it was said, to Edward as king of France, and his sovereign.‡ The cause, how-

Sept. 7. ever, was carried before the legitimate tribunal, the peers of France, and by them the dukedom was adjudged to Charles de Blois in right of his wife. The king of France immediately sent a strong force under his son and his nephew into Bretagne: the king of England armed in aid of his vassal. It is difficult to justify the conduct of Edward on this occasion: for if he admitted the claim of Montfort to the exclusion of Jane, he ought also to have admitted Philip's right to the French crown to the exclusion of Isabella and her offspring. Philip was more consistent. For by the laws of the monarchy, though females could not inherit the throne, they could succeed to fiefs equally with males.

Heroism of the dutchess. The war began to the advantage of Charles, who by treachery or surprise made himself master of Nantes, and got possession of the person of his rival. But the interests of the Montforts were still supported by the courage and perseverance of his wife, Jane, sister to the earl of Flanders. As soon as she heard of the captivity of her husband, she presented her infant son to the citizens and garrison of Rennes, and exhorted them to defend the cause of the child, the only male issue, besides his father, of their ancient princes. Affected by her tears, beauty, and eloquence, and perhaps still more by the distribution of a liberal donative, they swore to live and die in her service: the rising enthusiasm diffused itself through

* Rym. v. 262. 264.

† D'Argentré, v. 1—6.

‡ Edward mentions nothing more than *foedus et amicitiae firmitatem*. Rym. v. 280.

the neighbouring cities; and the interests of Charles appeared to be rather prejudiced than advanced by the captivity of his competitor. During the winter Jane retired to the fortress of Hennebon, sent her son for greater security to England, and earnestly solicited succours from Edward. In the spring Charles with a numerous army invested the fortress, and the heroine, on horseback, and in armour, directed and encouraged the garrison. On one occasion during an assault she sallied out at the opposite gate, set the camp of the besiegers on fire, retired to the neighbouring castle of Aurai, and shortly after fought her way back into Hennebon. Still no succour arrived: the garrison was thinned by repeated assaults, and enfeebled by famine: and the bishop of Leon had already arranged the terms of the capitulation, when the countess from the highest turret of the castle espied a fleet in the horizon, and exclaimed, "The English! I see the English!" The garrison immediately ran to the ramparts: all thoughts of a surrender were banished: and sir Walter Manny, with a strong body of troops, who had been detained forty days by contrary winds, safely arrived in the harbour.*

1342.
March.

The force under Manny raised the siege of Hennebon, but was too weak to venture into the field. The countess sailed to England herself, returned with Robert of Artois and a small force of archers and men at arms, and besieged and took the city of Vannes. Edward followed in autumn with twelve thousand men, but by attempting too much, effected nothing. He divided his forces into three divisions, with which at the same time he pretended to invest Rennes, Nantes, and Vannes, which had lately been retaken by Charles: but the arrival of the duke of Normandy, the eldest son of Philip, compelled him to concentrate and intrench his forces. The French did the same: and the two armies remained for several weeks during the depth of winter in the vicinity of each other.† At this juncture, to the equal satisfaction of both parties, two cardinals arrived, charged to mediate a peace by Clement VI., who had been lately raised to the chair of St. Peter.

She receives succours from England.
July.

Oct. 5.

1343.
Jan. 19.

A truce was concluded for three years and eight months, during which a negociation for peace should be opened before the pontiff, as a private individual, and the common friend of the two powers.‡ One of the conditions stipulated for the release

* Froissart, c. 70, 71. 79.

† Avesb. 98 et seq.

‡ Rym. v. 357. 366. The parliament assented that messengers should be sent to the pope, par monstrier et purposer devant le saint pier le pape,

of John de Montfort: but Philip evaded its execution, and to the complaint of the pontiff answered, that he kept him in prison not for any public, but for private and particular reasons. At the end of three years he escaped from the Louvre

1345.
Sept. 26. disguised as a merchant, arrived safely in England, and returned to Bretagne to die in the castle of Hennebon. By his will he appointed Edward guardian to his son.*

It was not long before the hope of an accommodation, which had been so fondly cherished by the pontiff, was entirely extinguished. Each party daily violated the armistice, and the negociators, instead of settling the conditions of peace, were employed in discussing complaints and recriminations. The two nations were exasperated by mutual injuries; and their sovereigns sought only a respite to breathe, that they might renew the contest. Preparations for war were made on both sides: Edward obtained grants of wool from his parliament: Philip established the gabelle, the monopoly of salt for the benefit of the crown, which was so long considered an intolerable grievance by the French. These modes of raising money afforded them opportunities of exercising their wit. The king of England declared that his adversary now reigned by *salic* law: and the king of France retorted by denominating Edward "the wool-merchant."†

Recommencement of the war. At length the English parliament recommended the renewal of hostilities:‡ and an army proceeded to Guienne under the command of the king's cousin, the earl of Derby, who was reputed the most accomplished nobleman, as well as one of the bravest warriors of the age. He landed at Bayonne, marched to Bourdeaux, and soon recovered the greater part of the places which had been

The earl of Derby in Guienne.
1345.
June 6. conquered by the enemy. The most splendid action in the campaign was fought under the walls of Auberoche. The count of Lisle, the French commander, had ordered twelve thousand men to assemble secretly in the neighbourhood, and immediately invested the place. With four engines they threw showers of stones within the walls, and forced the garrison to take shelter under the ground. The earl of Derby,

come devant meen amy, et noun pas come juge ne come compromessair, les droitz nre Seign' le Roi sur ses chalenges. Rot. Parl. ii. 136.

* Id. v. 365. Knyght. 2585. D'Argentré, v. 109.

† Contin. Nangii ad ann. 1343. Mezerai, 155.

‡ Rot. Parl. ii. 147. They begged the king not to suffer himself to be deceived, but to finish the war in a short time, either by battle or treaty. p. 148. 152.

with three hundred men at arms, and six hundred archers, advanced through bye-ways to its relief: at supper time they burst into the French camp: the general and principal officers were killed or taken at table: and the archers with their arrows instantly dispersed every small body of the enemy as soon as it was formed. But the intelligence had now reached the other half of the besieging army, which lay on the opposite side of the place, and the conquerors had still to contend against an enemy six times their number. The victory was secured by the garrison from the castle, who in the heat of the contest charged the rear of the French. Of the whole twelve thousand men, very few escaped. Nine earls and viscounts were made prisoners: nor was there a man at arms among the English, who did not return with two or three barons, knights, or esquires, as his share of the captives.*

The earl of Derby, having obtained a reinforcement from England, pursued his victorious career; while Edward sailed to Sluys to meet the deputies of the cities of Flanders. His object was to persuade the natives to withdraw their allegiance from earl Louis, their sovereign, and to transfer it to his own son, prince Edward. The majority of the deputies openly testified their disapprobation of the proposal: Artaveldt not only spoke in its favour, but engaged to procure its adoption by the principal cities.

Edward in
Flanders.

1345.
June 24.

At Bruges and Ypres he was successful: but at Ghent his enemies had previously exasperated the inhabitants against him: he met with no civilities as he rode through the streets; and had no sooner entered his house, than it was surrounded by an enraged populace, demanding his head. The doors were forced: Artaveldt was murdered: and Edward, deprived of his chief support, returned to England.

Artaveldt is
murdered.

July 17.

Sept. 30.

Hither the Flemish deputies followed him, and consoled him for the loss of his demagogue, by engaging never to obey their earl, till he should swear fealty to the king of England. Louis lived at Ruremond despoiled of the greatest part of his territory: but he remained faithful to Philip, declaring that his conscience would never permit him to acknowledge Edward for the king, till he should see him in possession of the crown of France.†

* Froiss. c. 105, 106.

† Froiss. c. 114.

Edward
lands in
Normandy.

The uninterrupted success of the earl of Derby had proved how much might be effected by English valour, when its exertions were not checked by the councils of interested allies: and Edward having collected a numerous force; consisting solely of his own subjects, sailed from Southampton, with the intention, as he gave out, of invading the southern provinces of France. But whether it were that he sought to deceive the enemy, or that during the voyage he was dissuaded by Geoffry de

July 12.

Harcourt, a French refugee, he suddenly altered his course, and anchored in the road of La Hague, on the coast of Normandy. The province was

July 18.

defenceless: while the fleet burnt all the vessels in the different harbours, the army in three divi-

July 26.

sions pillaged the country, set fire to the villages, and collected prisoners: Carenton, St. Lo, and

Caen, a large and populous city, were taken: and the spoil, with the constable of France, sixty knights, and three hundred of the wealthiest citizens, was sent to the fleet and carried to England.* Edward's object seems to have been to draw from Guienne the French army of one hundred thousand men, which had entered that province, to cross the Seine, march through Picardy into Artois, join his Flemish auxiliaries, who, to the number of forty thousand, had passed the French frontiers, and then lay siege to the important town of Calais. But on his arrival at Rouen, he found the bridge over the Seine broken down, and Philip with a numerous force on the opposite bank. From this moment it became a contest of skill between the two monarchs. The king of England was impatient to pass the river, and bring his adversary to a battle before he could be joined by his reinforcements: the king of France sought to confine the English to the left bank of the Seine, till he could overwhelm them by

Aug. 13.

Reaches
Paris.

the superiority of his force. Edward proceeded along the river, burning the villages, and plundering the towns of Vernon, Mante, and Poissy; but not a bridge had been left standing, and all his motions were followed and watched by the enemy from the opposite bank. It was in vain that he sent his light troops to insult the fauxbourgs of Paris: that he reduced to ashes St. Germain, St. Cloud, and Bourg la Reine: that some adventurers passed the river in boats, and set fire to Neuilly and Boulogne. Philip was not to be diverted from his purposes by the bravadoes of his enemy, or the murmurs of the

* Froiss. c. 120—122, and the official account in Avesbury, 123.

Parisians. From this situation, which daily became more dangerous, the English were delivered by a successful stratagem. Decamping early in the morning from Poissy, they advanced with expedition towards the capital:

but as soon as it was ascertained that the French army was in full march for the same city, they rapidly retraced their steps, cleared the opposite

Crosses the
Seine.
Aug. 15.

bank with the aid of the archers, crossed by the bridge which the workmen had repaired, and took possession of Pontoise.

Chagrined at the success of this manœuvre, and elated by the number of troops that had crowded to his standard at St. Denis, Philip challenged the king of England to fight him on the plain of Vaugirard, or between Pontoise and Franconville.

Edward replied that he should always be found ready for battle; but that, as he was in his own dominions, he would not allow any other person to dictate to him either the place or the day.* He continued his march: burnt, as he passed, the suburbs of Beauvais; plundered the town of Pois; and fixed his head-quarters at Airaines. Anxious to cross the Somme, he despatched two mareschals, with three thousand men, to discover or force a passage. They successively attempted the bridges of Pont St. Remy, Long, and Pecquigny: but were foiled in each place, and returned with the disheartening news to the camp. Philip was at Amiens with one hundred thousand men: and the next morning took possession of Airaines, within two hours after the departure of the English. They reached Oisement in the evening, and the mareschals returned again with the same melancholy intelligence. Despair was painted on every countenance: the next day they must overcome an army eight times more numerous, or be driven into the sea. Edward assembled the prisoners;

he inquired, if there were no ford over the river; and by the promise of liberty and a valuable reward, induced a peasant to lead him to Blanchetaque, where, at the ebb of the tide, the Somme might be passed even on foot. The English marched at midnight: they arrived before the water was sufficiently low; and had the mortification to behold, a little after sunrise, the opposite bank lined with twelve thousand men under the command of Godemar du Fay. In this distressing situation they waited for some hours, expecting every moment the arrival of their pursuers. About ten o'clock it was reported that the tide was out: Edward gave the word of command in the name of God and St. George; and the men

Passes the
Somme.

Aug. 23.

* Heming, 385, 386.

at arms plunged into the river. About the middle they were met by the French cavalry: but the English fought with the courage of despair: the enemy were routed with the loss of two thousand men: and Philip at his arrival found only a few stragglers on the left bank. The rising of the tide compelled him to relinquish the pursuit, and lead back his army to Abbeville: the English took possession of Crotoi, and found in the port several vessels laden with the wines of Poitou and Saintonge.*

Reaches
Creci. Hitherto the king had retired rapidly before his pursuers: now he halted to await their arrival. With his motives we are not acquainted: but he must have had some powerful inducement to hazard an engagement with such a disparity of force. To his attendants he merely said, "We will go no farther. I am now on the lawful inheritance of my lady mother (the county of Ponthieu): and it is my duty to defend it against my adversary." Of his Flemish allies we have no intelligence. They had entered the French territory three weeks before; and probably had returned or taken a different direction.

Prepara-
tions for the
battle. Philip loitered a day at Abbeville, that he might increase his immense force by the addition of a few thousands. To Edward, who had to fight for his life and liberty, the delay was most valuable, as it allowed him to refresh his men after their fatigue, to arrange his plans, and to make the necessary preparations for battle. The spot on which he had determined to receive the enemy, was an eminence, which rose with a gentle ascent a little behind the village of Creci. In the evening he invited his barons to supper, entertained them with cheerfulness, and dismissed them with a promise of victory. When they were gone, he entered his oratory, threw himself on his knees before the altar, and prayed that God would preserve his honour. It was midnight when he retired to his bed: he slept little, and at the dawn of the morning assisted at mass and received the communion with his son, the young prince of Wales, who had just reached his fifteenth year.

July 26. As soon as the troops had breakfasted, the mareschals issued their orders, and each lord, under his own banner and pennon, marched to the ground which had been allotted him on the preceding day. All were dismounted, to take away the temptation of pursuit or flight.

* Froissart, c. 123—125. Knyght. 2587. and the official account in Avesbury, 136, 137.

The first division, under the nominal command of the prince, the real command of the earls of Warwick and Oxford, consisted of eight hundred men at arms, a thousand Welsh infantry, and two thousand archers. At some distance behind them, but rather on their flank, was placed the second division of eight hundred men at arms, and twelve hundred archers. The third under the command of the king comprised seven hundred men at arms and two thousand archers, and was stationed as a reserve on the summit of the hill.* The archers of each division formed in its front, in the shape of a portcullis: and orders were issued that no man should encumber himself with the charge of a prisoner, or quit his post to pursue a fugitive. Edward, on a small palfrey, with a mareschal on each side, rode from company to company, speaking to all, exhorting them to defend his honour, and expressing his confidence of victory. About ten o'clock he ordered them to take refreshment. They sate in ranks on the ground, with their bows and helmets before them.

The king of France had marched from Abbeville about sunrise: but the multitude of his followers advanced in so disorderly a manner, that the knights who had reconnoitred the English army, advised him to postpone the battle till the morrow, and employ the interval in marshalling his army. Two officers were immediately despatched, one to the van, the other to the rear, crying out, "Halt, banners, in the name of God and St. Dennis." But these orders increased the confusion. By some they were obeyed, by many misunderstood, and by the greater part disregarded. Philip suffered himself to be carried forward by the stream: and, as soon as he saw the English, he lost his temper, and ordered the Genoese to form, and begin the battle.

Array, of
the French
army. .

The Genoese were a body of six, or according to some writers, fifteen thousand Italians, who fought with cross-bows under two celebrated leaders, Antonio Doria, and Carlo Grimaldi. They were supported by the king's brother, the count d'Alençon, with a numerous cavalry superbly accoutred. The king himself followed with the rest of the army in four divisions: the amount of the combatants has been estimated by different writers at every intermediate number between sixty and one hundred and twenty thousand.

* These are the numbers in Froissart. I suspect they are much too low.

The Geno-
ese are
broken.

Never perhaps were preparations for battle made under circumstances so truly awful. On that very day the sun suffered a partial eclipse: birds in clouds, the precursors of a storm, flew screaming over the two armies: and the rain fell in torrents, accompanied with incessant thunder and lightning. About five in the afternoon the weather cleared up: the sun in full splendour darted his rays in the eyes of the enemy: and the Genoese, setting up three shouts, discharged their quarrels. But they were no match for the English archers, who received the volley in silence, and returned their arrows in such numbers, and with such force, that the cross-bowmen began to waver. The count d'Alençon, calling them cowards, ordered his men to cut down the runaways; but he only added to the disorder. Many of his knights were unhorsed by the archers, and as they lay on the ground were despatched by the Welshmen, who had armed themselves with long knives for the purpose.

The prince
in danger.

At length the passage was cleared: the count on one side, and his colleague the earl of Flanders on the other, skirted the English archers, while a numerous body of French, Germans, and Savoyards, forced their way to the men at arms under the command of the prince. The second division immediately closed for his support: but the conflict grew fierce and doubtful: and sir Thomas Norwich was sent to request a reinforcement. Edward, who from a windmill watched the chances of the battle, and the movements of the armies, inquired if his son were killed or wounded. The messenger replied: "No." "Then," said he, "tell Warwick that he shall have no assistance. Let the boy win his spurs. He and those who have him in charge, shall earn the whole glory of the day." This answer was hailed as a prediction of victory, and infused new courage into the combatants.

The king of
France
flees.

The king of France was impatient to join the count d'Alençon: but the archers in his front opposed an impenetrable barrier. At each charge he lost the bravest of his attendants: his horse had been killed under him: and his friends advised him, but in vain, to retire. At length it began to grow dark: his brother and the earl of Flanders had fallen: and the battle was evidently lost, when John of Hainault, telling him to reserve himself for victory on some other occasion, laid hold of his bridle, and led him away by force. With a small retinue of five barons, and sixty knights, he escaped to the city of Amiens.

The flight of Philip did not terminate the contest. Many of the French continued in detached bodies to charge their adversaries: but as their efforts were made without concert, they generally ended in the destruction of the assailants. As the darkness increased, the fighting gradually ceased: the voices of men, seeking the banners from which they had wandered, were no longer heard: and the English congratulated themselves on the repulse of the enemy. The king, ignorant of the extent of his victory, ordered fires to be kindled, and forbade his men to quit their posts. Eager to testify his approbation of the prince, he sprang to meet him, and clasping him in his arms, exclaimed: "Fair son, continue your career. You have behaved nobly. You have shown yourself worthy of me and the crown!" The young Edward sank on his knees, and modestly attributed all the merit to his father.

Meeting of
Edward
and his son.

The darkness of the night was succeeded by a dense mist in the morning, which equally intercepted the view: and to gain information the king sent out before sunrise a detachment of three thousand men. They soon found themselves in the midst of a body of militia from Beauvais and Amiens, which, ignorant of the preceding events, had marched all night to overtake the army. These men, unsuspecting of danger, and unprepared for battle, were massacred almost without resistance. A similar mistake proved equally fatal to the archbishop of Rouen, and the grand prior of France, with a numerous body of knights. As the day cleared, thousands of Frenchmen were discovered in the fields, who had passed the night under the trees and hedges, in the hope of finding their lords in the morning. These two were butchered by the English cavalry: so that the carnage of the second is asserted to have exceeded that of the former day.

A second
battle in
the morn-
ing.

July 27.

At noon the king ordered the lords Cobham and Stafford to examine the field of battle. They took with them three heralds, to ascertain from the surcoats of the knights, and two secretaries to record, the names and rank of those who had fallen. In the evening they presented to the king eighty banners, and a catalogue of eleven princes, twelve hundred knights, and thirty thousand persons of inferior condition. A truce of three days was proclaimed to allow the enemy time to bury their dead: and

Loss of the
French.

Edward assisted in mourning at the funeral service in the cemetery of Montenay.*

Among the slain the most distinguished was John king of Bohemia.† Age had not chilled in him the fire of youth: though blind, he placed himself in the first division of the French: and as the issue grew dubious, ordered the four knights, his attendants, to lead him into the hottest of the battle, "that I too," said he, "may have a stroke at the English." Placing him in the midst of them, and interlacing their bridles, they spurred forward their horses, and were almost immediately slain. The reader will probably consider the Bohemian monarch as foolishly prodigal of his life: by the writers of the age his conduct has been extolled as an instance of unparalleled heroism. His crest, three ostrich feathers, with the motto "Ich dien," I serve, was adopted by the prince of Wales, and has been always borne by his successors.

The conquerors beheld with astonishment the result of this bloody and decisive battle. They did not attribute it to their own courage or the imprudence of the enemy, but to the protection of the Almighty, who had thus pronounced judgment in favour of their sovereign: and the thanksgivings which were offered up in the camp, were quickly repeated in every town and village in England. The two kings immediately applied themselves, Edward to improve the advantages of victory, Philip to avert the consequences of defeat. The former, that he might secure to himself a convenient harbour on the French coast,

Sept. 3. undertook to reduce the port of Calais; and foreseeing a long and obstinate resistance, ordered huts to be built for the accommodation of the army during the winter. The latter despatched a messenger with presents to the king of Scotland, exhorting him to seize the opportunity of Edward's absence, and by the invasion of England to avenge his own wrongs, and afford assistance to his ally.

King of Scots invades England. Four years had elapsed since David, at the request of the people, had returned with his queen to his native country. His valour and accomplishments had won their esteem: and three successful incursions into the northern counties had

* For the most interesting detail of this battle we are indebted to Froissart, c. 126—130. Every other writer of the age mentions it, but less in detail.

† Several historians have killed James king of Majorca, at Creci. It is probable that he was not present: it is certain that he did not die till three years later.

gratified their revenge with the plunder of their enemies. The eagerness of the king wanted no additional stimulus; he had long menaced the English frontier: and six days before the battle of Creci, Lionel, the second son of Edward, and guardian of the kingdom, had ordered levies to be made to watch and oppose the motions of "the Scottish insurgents." From Perth David marched with three thousand men at arms, and about thirty thousand others mounted on galloways. All were confident of success, at a time when the whole chivalry of England was lying before the walls of Calais, or fighting in the south of France. He entered Cumberland, took, after a siege of six days, the "pyle of Liddel," and immediately beheaded the governor, plundered the abbey of Lanercrost, and directed his march by Hexham into the bishopric of Durham. While he lay at Beaurepaire,* a country house belonging to the monks, the English army assembled without his knowledge in Auckland park. It amounted to twelve hundred men at arms, three thousand archers, and a body of seven thousand infantry, composed of clergymen, of the militia of the neighbourhood, and of a small band of Welshmen. Queen Philippa, emulating the example of the countess of Montfort, rode among them, and addressed them in kind and animating language, bidding them protect their country from ravage, and the honour of their sovereign from insult. They answered with shouts of applause: she recommended them to God and St. George, and retired to a place of safety.†

Oct. 2.

Oct. 16.

Douglas, the celebrated knight of Liddesdale, had that morning conducted a party of plunderers to Ferry-hill. On his return he was intercepted by the English army at Sunderland bridge; and was fortunate to escape with the loss of five hundred men. On his report David marshalled his army on the moor: the English already stood in array on an eminence near Nevil's cross. The Scottish cavalry, entangled among the hedges, were exposed to the unerring aim of the archers: and the most distinguished knights were successively unhorsed or slain. After a sharp contest the earl of Moray fell, and the wing which he commanded was dispersed. In the other wing the Stewart maintained but a faint and wavering resistance: in the centre the king saw with dismay the bravest of his knights falling around him. But his pride disdained to flee, or surrender: and his nobles, forming a circle for his protection, prolonged the fight, till two wounds which he received,

Battle of
Nevil's
cross.
Oct. 17.

* It is now called Bearpark.

† Froiss. c. 136.

brought him to the ground. Coupland, a Northumbrian gentleman, instantly sprang from his charger, to seize on the royal prey. A violent struggle ensued: Coupland lost two of his teeth: but he secured the king, and with the assistance of eight friends carried him safely through the crowd, and rode with him to his castle of Ogle. The Scots made no longer any resistance: and the Stewart, collecting the fugitives, conducted them to their own country.*

It is singular that on this memorable day, the English fought without any commander-in-chief. The archbishop of York, and the lords Henry Percy, and Ralf Nevil, had been appointed arrayers of the northern forces: but in the battle they seem to have possessed equal command, and to have assumed no authority over the other chieftains.† The Scots left fifteen thousand men on the field, and among them several noblemen of the highest distinction. The list of prisoners exhibits, in addition to the king, the names of three earls, and forty-nine barons and knights. The earl of Monteith, who had been sworn of Edward's privy council, and the earl of Fife, who had done homage to Baliol, were condemned as traitors.‡ The latter owed his life to his relationship to the royal family: the former suffered the punishment of the law. David was reluctantly delivered by Coupland to the sheriff, and conducted in great state to the tower of London. The captor was knighted, and rewarded with the grant of an ample estate in land.§

War in
Guienne.

When Edward so suddenly changed his course from Bourdeaux to La Hogue, he left the gallant earl of Derby to struggle in the defence of Guienne against the powerful army commanded by John duke of Normandy, eldest son to the French monarch. The earl wisely refused to meet his adversary in the field, and the duke

* Ford. xiv. 2, 3. Froissart, 135, 136. Heming. 381. Knyght. 2590—2592.

† Rym. 524. In the letter of thanks issued by prince Lionel, the earl of Angus, and several others are mentioned with equal commendation. Rym. 528.

‡ They were condemned by the king in council at Calais on the notoriety of the fact. No trial was granted them: and the sole office of the judges was to proceed to the Tower and pronounce the sentence, such as it had been sent to them by the king. Rym. v. 549, 550. Fife's mother was niece to Edward I.

§ He was made a banneret, with an income of five hundred pounds a year. Rym. v. 542. The same day the king at Calais granted to him, Robert Bertram, and William Silvertop the elder, a general pardon for all former transgressions, on account of their "good services" in the battle of Nevil's cross. Rym. v. 543. Coupland was afterwards murdered. Rym. vi. 494.

marched from Toulouse with a hundred thousand men, and a long train of military engines. Few places dared to oppose so overwhelming a force: nor was the progress of the torrent checked, till it reached the walls of Aiguillon. From May till the end of August, John beleaguered that fortress. He repeatedly employed every resource, which ingenuity could discover, or force could supply: the army, in four divisions, which relieved each other every three hours, continued the assault for six successive days: towers were erected, engines were discharged, and the houses within the walls were demolished by incessant showers of stones. But sir Walter Manny and his brave garrison could neither be worn out with fatigue, nor be intimidated by numbers. They repelled the assailants; they burnt the engines; and by frequent sallies inflicted serious injuries on the besiegers. The duke, unable to succeed by force, attempted to starve the garrison into a surrender. He swore that he would never quit the place till it was in his possession: and, to the remonstrances of his officers replied, that he could not in honour violate his oath. After all, it was the victory of Creci that saved Aiguillon: Philip required the presence of his son, and the aid of his army. No sooner was he gone, than the earl of Derby issued from Bourdeaux, crossed the Garonne, laid waste Ancenis, Saintogne, and Poitou, and carried by storm the rich and populous city of Poitiers. When he had revenged on these provinces the devastations which the enemy had committed in Guienne, he led back his troops laden with plunder into their winter quarters.*

Aug. 20.

Oct. 4.

Edward was now engaged in the siege of Calais, a siege which formed a new era in the military history of the age. Contrary to all precedent, not an assault was given; not a single engine was erected against the place. Instead of force, the king relied on the slower but less fallible operation of famine. A numerous fleet blockaded the harbour: and all communication with the interior was intercepted by the lines of the besiegers. John de Vienne the governor saw with dismay a town of huts rise around him: he penetrated into the design of the king: and after a strict inquiry turned out of the town every individual, who did not possess a sufficient supply of provisions for several months. Men, women, and children, to the amount of seventeen hundred persons, advanced in mournful procession to the English camp. Edward

Surrender
of Calais.

Sept. 13.

* Froissart, c. 117, 118, 119. 132. Avesb. 142—144.

ordered them to be received, gave them a plentiful repast, and at their departure distributed to each two pieces of silver.* But the garrison began to feel the privations of scarcity, while the besiegers were twice in the week plentifully supplied from Flanders and England: a new inquiry was made: and five hundred more of the inhabitants were driven without the gates. If Vienne relied a second time on the humanity of Edward, he was disappointed. The English lines were shut against them: and the unfortunate sufferers, without covering or provisions, perished miserably between the walls and the camp. Philip did not neglect the means in his power to relieve so important a fortress. During the winter two fleets with men and supplies attempted to enter the port. One of them succeeded: but the other was captured. In spring he ordered all his vassals to meet him on Whitsunday: and tak-

1347.
July 27.

ing with him the oriflamme, the sacred standard of France, encamped at Whitsand with a hundred and fifty thousand men.† There were but two roads by which it was possible to approach the English, along the beach, or over the marshes by the bridge of Nieullet. The former was lined with ships, on board of which had been stationed several thousand archers: the bridge was strongly fortified, and intrusted to the care of the earl of Derby. To attempt either would probably have been attended with the destruction of the assailants: proposals of peace were made and rejected: and Philip had recourse to the expedient of chal-

July 31.

lenging Edward to a general battle.‡ The king's pride silenced his prudence: he accepted the challenge: but the French monarch, taught by the defeat which he had suffered at Creci, retired on the eve of the day

Aug. 3.

which had been appointed. The moment he was gone, the arms of England, quartering the lilies with the lions, were seen to wave on the castle.§ It was,

* Froissart, c. 131.

† A messenger by sea was taken carrying a letter to Philip from the garrison, declaring that they had eaten their horses, their dogs, and all the other animals they could procure, and that nothing remained for them but to eat each other. They assured him that if he did not relieve them soon, they had resolved to attack the enemy, and die with honour in the field, rather than perish with hunger in the town: and ended with a wish that God might give him grace to make to them and their heirs a return for what they suffered in his service. This letter, which is preserved by Avesbury and Knyghton, was forwarded by Edward. Knyght. 2593. Avesb. 157.

‡ Froissart gives us a very interesting dialogue between Edward and the bearers of the challenge (c. 143.) It is probably a fiction. The historian tells us that the king refused, the king himself that he accepted, the challenge. Avesb. 165.

§ Knyght. 2594. Avesb. 163—166.

however, in vain that the governor solicited for a capitulation. Edward insisted that he should surrender at discretion: and the inhabitants, who knew that the king had expressed a resolution to punish their habit of piracy, and that his former enmity had been embittered by the obstinacy of their resistance, received the answer with feelings of despair. They met in the market place to consult: and the common gloom was dispelled by the generous devotedness of Eustace de St. Pierre, who offered to stake his life for the safety of his fellow townsmen. Five others imitated his example: and the procession walked from the gate to the English camp. It was headed by Vienne, riding on a Aug. 4. palfrey, on account of his wounds: fifteen knights followed with their heads bare, and their swords pointed to the ground: and then came the six townsmen barefoot, and bareheaded, with halters in their hands. By Edward they were received with an air of severity. The governor presented to him his sword, and the keys of the town; and joining his companions in misfortune, implored on his knees the mercy of the conqueror. The king affected to be inexorable, rejected the intercession of his barons, sent for the executioner, and, if he at last yielded, it was with apparent reluctance to the tears and entreaties of his queen Philippa. The prisoners were left to the disposal of their fair advocate, who clothed them, invited them to a plentiful repast, and at their departure made to each a present of six nobles.* Thus was Calais severed from the French crown after a siege of twelve months. To secure his conquest, Edward expelled the majority of the natives,† and repopled the town with a colony of his own subjects. It rapidly became a place of considerable opulence: it was appointed the general mart for the sale of merchandise exported from England:‡ and it continued to flourish for more than

* Froissart (c. 144) has dramatized this incident with considerable effect, but I fear with little attention to truth. From his narrative I have selected the circumstances, which seem to harmonize best with the statements of other writers, who merely inform us that on this, the same happened as on most similar occasions, that is, a deputation of knights and citizens in the guise of criminals implored and obtained the king's mercy. I may, however, observe that even in Froissart there is nothing to prove that Edward designed to put these men to death: on the contrary, he takes notice, that the king's refusal of mercy was accompanied with a wink to his attendants, which, if it meant any thing, must have meant that he was not acting seriously.

† Philip was careful to provide for the exiles, and gave to them in preference the vacant offices in his dominions. Spondan. 488.

‡ Rym. v. 618.

two centuries under the protection of its conqueror and his successors.

A truce
concluded
under the
mediation
of the pope.

Writers have not always sufficiently appreciated the benefits which mankind derived from the pacific influence of the Roman pontiffs. In an age which valued no merit but that of arms, Europe would have been plunged in perpetual war, had not pope after pope laboured incessantly for the preservation, or restoration of peace. They rebuked the passions, and checked the extravagant pretensions, of sovereigns: their character, as the common fathers of christians, gave to their representations a weight, which no other mediators could claim: and their legates spared neither journey nor fatigue to reconcile the jarring interests of courts, and interpose the olive of peace between the swords of contending armies. As soon as the war recommenced between Edward and Philip, Clement had resumed his pacific endeavours: for two years, he ceased not to entreat, to admonish, to reprehend: the violence and obstinacy of his belligerent children did not exhaust his patience: and as soon as the French army had reached Whitsand, the cardinals of Naples and Clermont offered their services to prevent the effusion of blood. But Philip refused to deliver up a town, which had so long set at defiance the power of his adversary: and Edward would not forego the expected reward of his perseverance in so tedious a siege. When Calais had fallen, the legates renewed their offer: each

Sep. 28.

king was now willing to admit of a temporary respite: and an armistice, which was concluded for a few months, was, at the repeated instances of the holy see, gradually prolonged for six years.* It had become necessary to the king of France, that he might restore his finances, and the spirit of his people: it was welcome to the king of England, who could now repose with satisfaction under the laurels which he had gained. The victories of Creci and Nevil's cross had stamped the reputation of the English, and raised their sovereign to the first rank among the princes of Europe: two of the chief of his opponents, David king of Scots, and Charles de Blois duke of Bretagne,† were his prisoners: and not only had he preserved his former possessions, but had even added to them the town and harbour of Calais, an important station for his navy, and a convenient opening into the territory of his rival.

* Rym. v. 588.

† He had been surprised in his tent at the siege of La Roche d'Errien. But the war was continued in Bretagne by the two ladies, his wife, and the widow of John of Montfort. Froiss. c. 141.

During the armistice Edward did not hesitate to embrace two opportunities of displaying that personal courage, which was the first requisite in the character of a true knight. Amerigo di Pavia, though an Italian, held a distinguished place in the king's esteem, who had intrusted him not only with the command of his fleet, but with the custody of his late conquest, the town of Calais. Sir Geoffry de Chargny, the French governor of St. Omer, tempted the fidelity of Amerigo with the offer of twenty thousand crowns. The proposal was accepted by the Italian, not with the intention of betraying his trust, but of punishing the man who could doubt of his honour: and it was mutually agreed that, on the payment of the money, a French force should be privately introduced into the castle on the last night of the year. Edward, who was in the secret, arrived, and landed in the dark with three hundred men at arms and six hundred archers: at the appointed hour a messenger from the governor of St. Omer was admitted, and paid down the money: and at midnight twelve French knights and one hundred men at arms were introduced by a postern into the area of the castle. They were immediately surrounded and secured: and the English under sir Walter Manny assailed Chargny, who had halted near the gate of Boulogne. The Frenchman made a gallant but useless resistance: the guard which he had placed at the bridge of Nieullet was overpowered: and, as the means of retreat were cut off, he surrendered with all his companions. Edward in this affray had fought on foot as a private knight under the banner of Manny, and had nearly paid the forfeit of his temerity. He singled out for his antagonist sir Eustace de Ribeaumont, a knight of distinguished valour: twice he received a stroke on his helmet which brought him on his knees: but he recovered himself with the aid of his shield, and ultimately became master of his adversary. It was not till the prisoners had been brought in to the castle, that the king discovered himself. He invited them to join him at supper, when the prince of Wales and the English knights waited on their guests: and after supper rising from table, he took from his head a chaplet of pearls, placed it on the temples of Ribeaumont, and accompanied the present with a high encomium on his merit. "To you, sir knight," said the king, "I adjudge the prize of valour in the action of this morning, and pray you to wear my chaplet during the year for my sake. Wherever you go, tell the ladies that it was given by the king of England to the bravest of knights." Ribeaumont was immediately released:

Attempt
to surprise
Calais.

1348.
Dec. 31.

1349.
Jan. 1.

Chargny and his companions paid proportionate ransoms for their freedom.*

Victory at
sea over
the Span-
iards.

There was another occasion, in which the chivalry of Edward exposed his life to greater danger without any better motive for his temerity. The Spanish ports in the bay of Biscay were inhabited by a race of hardy and adventurous seamen, famed for nautical skill and commercial enterprise; and at all times eager to display their hostility to the English mariners, their principal competitors on the ocean. The ships from these ports had formed a large fleet for their common protection, and had sailed up the channel to the harbour of Sluys under the command of don Carlos de la Cerda. Their chief object was to trade with the mercantile cities of Flanders: but on their passage they had committed many acts of piracy: and when they were threatened with reprisals, boldly claimed the dominion of the seas, and defied the vengeance of those, whom they had injured. De la Cerda, however, aware of the probable consequences, had the prudence to furnish his vessels with warlike stores, and by considerable offers allured on board a number of military adventurers. Edward determined to chastise the insolence of the Spaniards: and unwilling to yield the glory to his captains, took upon himself the command of the fleet.† With fifty sail (but the English vessels in point of tonnage and equipment were far inferior to those of the Spaniards) he cruised for three days between Dover and Calais. He sat on the forecastle dressed in a jacket of black velvet, and amused himself with his minstrels, till the appearance of the enemy was announced to him from the head of the mast. Immediately the trumpets sounded: the line was formed: and the king and his knights, having drunk a draught of wine, put on their armour. The Spaniards with the wind in their favour might have declined an engagement: but they disdained to alter their course, and bore down on their opponents. The battle was obstinate and doubtful. Edward compelled the master to lay his ship in the way of a vessel in full sail. The concussion opened several leaks, nor was the crew able to bail out the water as rapidly as it entered. The danger was not perceived by the king, whose mind was intent on the battle only: but his attendants to save their lives, by a bold and

1350.
Aug. 29.

* Compare Froissart, c. 148, 149, with Avesbury, 180. Chargny learning afterwards that the Italian lived without any guard in his castle of Fretun, which Edward had given him, surprised him one morning, carried him to St. Omer, and put him to death in the market place. Johnes' Froissart, 262.

† Rym. v. 679.

desperate effort, boarded and captured their adversary. The prince of Wales found himself in a still more dangerous condition. His vessel was on the point of sinking, when the earl of Derby, lately created duke of Lancaster, came to his assistance, and saved him from the waves. In the evening fourteen of the Spanish ships had been captured: but the advantage had been dearly purchased with the loss of many knights of distinction, and of several vessels. Edward landed in triumph at Winchelsea, and was received with joy by the queen, whose servants from the heights had watched the commencement and progress of the battle.* The men of Biscay were not dismayed by their loss: but it was soon discovered that the quarrel was equally detrimental to the interests of each party; and a truce for twenty years was concluded at London between the king of England, and the “maritime cities of the lordship of the king of Castile.”†

1351.
Aug. 1.

The victories, which had conferred so much honour on Edward, had been purchased, it was said, with the blood of fifty thousand Englishmen: but the memory of this loss was almost obliterated by the calamity, which shortly afterwards visited the island, a pestilence as general and destructive as any recorded in history. We first discover it in the empire of Cathai: thence we may trace its progress through different provinces of Asia to the Delta and the banks of the Nile: a south wind transported it into Greece and the Grecian islands: from which it swept the coasts of the Mediterranean, depopulated Italy, and crossed the barrier of the Alps into France. A succession of earthquakes, which shook the continent of Europe from Calabria to the north of Poland, ushered in the fatal year 1348: and though England escaped this calamity, it was deluged from the month of June to December with almost incessant torrents of rain. In the first week of August the plague made its appearance at Dorchester: in November it reached London, and thence gradually proceeded towards the north of the island. Of its victims many expired in the course of six hours, and few lingered more than two or three days. From man the exterminating malady extended to the brute creation: the carcasses of sheep, horses, and oxen, lay scattered in the fields: they were untouched by birds of prey: and their putrefaction aided the malignity of the disorder. The labours of husbandry were neglected: no courts of justice were opened: the parliament was repeatedly prorogued by proclamation:

The great
pestilence.

* Johnes' Froissart, ii. 252—261. Wals. 162.
VOL. IV.

† Rym. v. 717.

and men, intent only on their own safety, fled from the care of the infected, and slighted every call of honour, duty, and humanity. When historians tell us that one half or one third of the human race perished, we may suspect them of exaggeration: but it is easy to form some idea of the mortality from the fact, that all the cemeteries in London were soon filled; that sir Walter Manny purchased for a public burial place a field of thirteen acres, where the charter house now stands; and that the bodies deposited in it during several weeks, amounted to the daily average of two hundred. It was observed, that though the malady assailed the English in Ireland, it spared the natives. The Scots too were exempt for several months: and the circumstance afforded them a subject of triumph over their enemies, and introduced among them a popular oath, “by the foul dethe of the English.” They had even assembled an army to invade the neighbouring counties, when the contagion insinuated itself into their camp in the forest of Selkirk: five thousand men died before they dishanded their forces: and the fugitives carried with them the infection into the most distant recesses of Scotland.*

Consequences of the mortality. The consequences of the mortality are carefully detailed by the contemporary writers. At first the reduction in the number of the consumers effected a proportionate reduction in the price of all merchantable articles: in the second year the prices rose with a rapidity and to a height which alarmed the government.† The ravages of the pestilence had been chiefly confined to the lower orders:‡ for the more wealthy, by shutting themselves up in their castles, and declining all unnecessary communication with the neighbourhood, had in a great measure escaped the infection. But hence arose a want of labourers for the cultivation of land, and of artisans to construct or repair the implements of husbandry. To remedy the evil Edward published a singular proclamation, prohibiting the relief of mendicants able to work, and compelling all men and women in good health, under the age of sixty, and without visible means of subsistence, to hire them-

* Knyght. 2599. Wals. 198. Ford xiv. 7. Rym. 655. 658. Edward himself, speaking of the number of the dead, uses the vague expressions of, *non modica pars populi*, and *magna pars populi*. Rym. v. 668. 693.

† Knyghton gives the following as the low prices, 2599. A horse worth forty shillings now costs 6s. 8d.—a fat ox, 4s.—a cow, 1s.—a heifer, 6d.—a fat weather, 4d.—a sheep, 3d.—a lamb, 2d.—a large pig, 5d.—a stone of wool, 9d. The next year ordinary prices were increased four-fold. Id. 2601.

‡ *Maxime operariorum et servientium*. Rym. v. 693.

selves as servants, at the same wages as in former years, to any masters, who should be willing to employ them. The execution of these orders was intrusted to the sheriffs, bailiffs, and other officers of the crown, who were to seek out all such persons, within their respective jurisdictions, and at the same time take care that no master should employ more of them than his proportionate number.* But in spite of fines, imprisonment, and the pillory, the ingenuity and avarice of the labourers contrived to elude the provisions of the proclamation: during the harvest the most exorbitant wages were demanded and given: and for their own benefit the proprietors judged it expedient, to waive their claim of rent from their farmers, and the lords of manors to suspend the compulsory labours of their villeins.†

The piety of the age attributed this destructive visitation to the anger of the Almighty: but in speculating on the causes which provoked that anger, every writer seems to have been swayed by personal prejudices, or local considerations. All, however, embrace the opportunity to inveigh against the prevailing extravagance of dress, the silk hoods and party coloured coats of the men, their deep sleeves and narrow confined waists, the indecent shortness of their hose, and the ridiculous length of their pointed shoes, the bushy beard before, and the tail of hair behind.‡ Some had even the temerity to extend their censure to the females, whom they affected to describe as having renounced the native modesty of the sex, to ape the manners, and adopt in a great measure the dress of the men. No lady of distinction, if we may believe them, could now ride on a palfrey: she must be mounted on a spirited charger. Her head was encircled with a turban, or covered with a species of mitre of enormous height, from the summit of which ribands floated in the air like the streamers from the head of

Opinions as to its causes.

* Knyght. 2600. Rym. v. 693.

† Knyght, 2601. He mentions the following as exorbitant wages—a mower received a shilling a day with his victuals: a reaper eight pence a day and his victuals. Id. 2600. The ordinary wages of workmen are thus stated in the act of parliament:—Haymakers per day, without victuals, 1*d.*; Mowers, ditto, 5*d.*; Reapers in first week of August, 2*d.*; Ditto in the next and succeeding weeks, 3*d.*; Thrashers per quarter of wheat or rye, 2½*d.*; Ditto of barley, peas, beans, and oats, 1½*d.*; Carpenters per day, 2*d.*; Masons, 3*d.*; Tilers, 3*d.*; Thatchers, 3*d.*; Plasterers, 3*d.*; Labourers, 1½*d.* Masters of the above trades, one penny per day more than their men. No man was allowed to work out of his neighbourhood, except the inhabitants of Staffordshire, Lancashire, Derbyshire, Craven, and the marches of Scotland and Wales, who had always been accustomed to seek employment during the harvest in all parts of England. Rot. Parl. ii. 234.

‡ Chaucer, 198. Gaguin, apud Spond. 488.

a mast. Her tunic was half of one colour, and half of another: a zone deeply embroidered, and richly ornamented with gold, confined her waist, and from it were suspended in front two daggers in their respective pouches. Thus attired she rode in the company of her knight to justs and tournaments, partook of the different diversions of the men, and by her levity and indiscretion afforded food to the lovers and retailers of scandal.* Whatever the reader may think of these

The sect of
flagellants. censures, he must be entertained with the descriptions. But there is one discovery I must not omit, that of the fanatics denominated flagellants, or whippers. It was their peculiar felicity not only to know, that the mortality had been sent in punishment of sin, but to be in possession of the only means by which the remission of sin could be effected. Divided into companies of male and female devotees, under a leader and two masters, they stripped themselves naked to the waist, and publicly scourged themselves or each other, till their shoulders were covered with blood. This expiatory ceremony was repeated every morning and afternoon for thirty-three days, equal in number to the years which Christ is thought to have lived upon earth; after which they returned to their former employments, cleansed from sin by "the baptism of blood." The flagellants appeared first in Hungary; but missionary societies were soon formed, and they hastened to impart the knowledge of this new gospel to foreign nations.† They spread with rapidity over Poland, Germany, and the Low Countries. From France they were excluded at the request of the pope, who had issued a severe constitution against them:‡ but a colony reached England, and landed in London

* Knyght. 2507. In 1363 a statute was passed to repress extravagance of dress, to which in the preamble is attributed the poverty of the nation. Its prohibitions extend to six classes, 1. Labourers and workmen; 2. Masters and yeomen; 3. Gentlemen and esquires whose income does not exceed 100 marks per annum, and merchants and tradesmen whose goods are valued at 500*l.*; 4. Persons of the same degree as the last, but with lands or goods of twice the value; 5. Knights with an income not exceeding 200 marks per annum; 6. Do. with an income of 400 marks or more. For each class the cloth is regulated by a fixed price. The use of silk, cloth of gold, gold and silver, and precious stones and furs, is absolutely forbidden to the three first; of cloth of gold, of cloaks, mantles, and gowns, trimmed with the more precious furs, to the two next. The last were allowed to wear all these things, with the exception of ermine and jewels. Ladies belonging to the two last classes might wear jewels in their head-dress. Rot. Parl. ii. 278.

† Johnes' Froiss. ii. 263. Bzov. ad ann. 1349.

‡ L'Evesque has given us two stanzas of one of their hymns, p. 531. They run in the following strain:

to the amount of one hundred and twenty men and women. Each day at the appointed hour they assembled, ranged themselves in two lines, and moved slowly through the streets, scourging their naked shoulders, and chaunting a sacred hymn. At a known signal all, with the exception of the last, threw themselves flat on the ground. He, as he passed by his companions, gave each a lash, and then also lay down. The others followed in succession, till every individual in his turn had received a stroke from the whole brotherhood. The citizens gazed and marvelled, pitied and commended: but they ventured no farther. "Their faith was too weak; or their feelings were too acute: and they allowed the strangers to monopolize to themselves this novel and extraordinary grace. The missionaries made not a single proselyte, and were compelled to return home with the barren satisfaction of having done their duty in the face of an unbelieving generation.*

Through love of man the Saviour came,
Through love of man he died:
He suffered want, reproach, and shame,
Was scourged, and crucified.
O! think then on thy Saviour's pain,
And lash the sinner, lash again.

* Wals. 169. Avesb. 179, 180. Murim. 103. Stow, 246. .

CHAP. II.

EDWARD III.

**RENEWAL OF THE WAR IN FRANCE—VICTORY OF POITIERS—
LIBERATION OF THE KING OF SCOTS—PEACE WITH FRANCE—
RELEASE OF KING JOHN—WHO RETURNS TO ENGLAND AND
DIES—WAR IN SPAIN—VICTORY OF NAVARETTE—CONFISCA-
TION OF GUIENNE—SICKNESS AND DEATH OF THE BLACK
PRINCE—DEATH OF THE KING—AMENDMENTS IN THE LAWS
AND ADMINISTRATION OF JUSTICE—CONSTITUTION AND FORMS
OF PARLIAMENT—MANNER OF RAISING TAXES—CONSTITU-
TION OF THE ARMY AND NAVY.**

Renewal
of the war
in France.

EDWARD had now awaked from the dream of his ambition. Convinced by experience that the French crown lay beyond his reach, he offered to renounce his pretensions in exchange for the sovereignty of the provinces, which he held as a vassal in his own right, and in the right of his queen. By Philip the proposal was rejected with scorn: John, his son and successor, discovered, perhaps feigned, a willingness to accept it. When the envoys of the two powers met at Guisnes to prolong the armistice, they agreed that such an arrangement offered the only basis on which could be founded the hope of a permanent peace: and promises were given and received, that the necessary renunciations on each side should be made in the presence of the new pontiff, Innocent IV.; that the prelates and barons of both kingdoms should signify their assent; and that each monarch should subject himself and his dominions to the censures of the pope, in case he should ever violate the treaty. But this prospect, so consoling to the friends of humanity, was closed by the pride of the French people. The prelates and barons of England sent their procurators with full powers to the court of Innocent: but those of France declared that they would never suffer their king to surrender a sovereignty, which formed the brightest jewel in the French crown.* Edward complained of the bad faith of his adversary: indignation urged him again to arms: and a plan of combined operations was concerted between him and his eldest son, now called, from the colour of his arms, the black prince. The latter opened the campaign with an army of sixty thousand

* Rym. v. 794—799. 808. 816. Knyght. 2607. Wals. 170. Murim. 105.

men. The orders issued to the soldiers were to pillage, burn, and destroy: and that they might extend their ravages over a wider tract of country, they were divided into several "battles," with directions to keep, during the march, at a certain distance from each other. From the walls of Bourdeaux the prince led his plunderers through the county of Armagnac to the foot of the Pyrenees: and turning to the north continued his devastations till he arrived before the city of Toulouse. Two days were spent in fruitless attempts to provoke the enemy to a battle: on the third he passed the Garonne by a ford, resumed his destructive career, and gave to the flames the great and wealthy citizens of Carcassone, and Narbonne. But the measures which had been taken to assemble a numerous army in his rear, admonished him to return. The enemy retired at his approach: the English, laden with plunder, marched back to Bourdeaux; and the young Edward could boast, that in the short space of seven weeks he had laid in ashes more than five hundred cities, towns, and villages, in a populous district, which for a century had not been visited with the horrors of war.*

1355.
Oct. 6.

During this expedition the king of England marched from Calais at the head of a gallant army: but all his plans were disconcerted by the superior policy of John, who cautiously shunned an engagement, but was careful, as he retired before his adversary, to lay waste the country around him. The English had not reached Amiens, when the want of provisions compelled them to return. A scanty supply was procured in the Boulonnois; and they entered Calais on the tenth day after their departure from it. Here the French monarch sought to amuse Edward with proposals for a general battle: while his allies the Scots surprised Berwick, poured over the borders, and spread devastation through the northern counties. But at the first intelligence the king hastened to England, met his parliament at Westminster, obtained a liberal aid for six years, and ordered his forces to assemble in Northumberland. Berwick was recovered by the sole terror of his approach: and at Roxburgh he purchased from Baliol his rights to the Scottish throne. That prince, advanced in age and without children, gladly surrendered a barren and disputed title, for the present sum of five thousand

Jan. 20.

* See the official account in Avesbury, 210—226. Carcassone was as large as York, Narbonne but little less than London. Ibid. 220. The pretext for such devastations was that the French king drew a considerable part of his revenue from these provinces, and that by ravaging them his means of continuing the war would be proportionably abridged. Ibid.

Invasion
of Scot-
land.

marks, and a yearly rent of two thousand pounds.* From Roxburgh Edward marched through the Lothians with the banner of Scotland displayed before him: and the English, meeting no enemy, divided themselves into small bodies, and reduced to ashes every farm house, village, and town, within twenty miles of the sea coast. At Edinburgh their progress was again arrested by the want of provisions. A fleet, indeed, carrying a plentiful supply, had sailed for the harbour of Leith: but it had been driven back by a strong northerly wind; and Edward reluctantly ordered the army to return to England. The Scots hovered on its rear, and consoled their revenge with the slaughter of the few stragglers who loitered behind. The havoc caused by this expedition was long remembered by the natives, who in their subsequent incursions into England animated themselves to similar depredations by the cry of "the burnt candlemas."†

Victory of
Poitiers.

The next year was signalized by the ever memorable victory of Poitiers. The honour and plunder of the late campaign stimulated the prince of Wales to a similar attempt in a different direction. With

July 6. a small army of twelve thousand men he left Bourdeaux, ascended the Garonne as far as Agen, and turning to the left overran the fertile provinces of Querci, Limousin, Auvergne, and Berri. Conquest was not his object, but to inflict on the natives the injuries of war, and to enrich his followers at the expense of the enemy. The harvest was trodden under foot; the cattle were slaughtered; the wines and provisions which the army could not consume, were destroyed: the farm houses, villages, and towns, were reduced to ashes; and every captive, able to pay his ransom, was conducted to Bourdeaux. He turned from Issodun and Bourges, which

Sept. 4. threatened a vigorous resistance, but took Vierzon by storm, and Romorantin by setting it on fire. In this desolating expedition it does not seem to have occurred to the young prince, that it was dangerous to penetrate so far into a powerful kingdom, or that his retreat might probably be intercepted by a more numerous force. The king of France had ordered his vassals to join him at Chartres, and crossing the Loire at Blois, pushed forward to the city of Poitiers. Edward, when it was too late, had commenced his march for the same city: but it was his misfortune to know nothing of his enemy but from vague and suspicious reports,

* Rym. v. 832—844. 850. 859. Baliol died in 1363. Knyght. 2627.

† Avesbury, 235—238. Knyght. 2611. Lej. Coll. i. 566. Ford. xiv. 13.

while his own motions were accurately observed, and daily notified to the French monarch. One day, after a fatiguing march, the English had reached in the afternoon the village of Maupertuis, about five miles from Poitiers, when their van unexpectedly fell in with the rear of the enemy. The danger of his situation immediately flashed on the mind of the prince, "God help us," he exclaimed, "it only remains for us to fight bravely."*

Sept. 17.

In stating the amount of the hostile armies, historians are greatly at variance with each other: but we may safely admit, on the credit of the lowest calculation, that the French outnumbered the

Force of
the two
armies.

English in the proportion of seven to one. This superiority, however, was partially balanced by the advantage of a position most unfavourable to the operations of the cavalry, which formed the real, the only strength of the French army. It was a rising ground, covered with vineyards, and intersected with hedges, accessible only in one point through a long and narrow lane, which in no part would admit of more than four horsemen abreast. In the morning the

Sept. 18.

prince ordered his men at arms to form on foot in front of the road: one half of his archers he posted before them in the favourite figure of a portcullis or harrow: the other half he ordered to line all the hedges between the main body and the moor on which the enemy was encamped. John arrayed his army in three divisions on foot, under the separate command of his cousin the duke of Orleans, of his three eldest sons, and of himself and his fourth son, a youth in his sixteenth year. He retained on horseback only three small bodies, one of which, consisting of three hundred knights and esquires selected from the whole army, was destined for the hazardous attempt of dispersing the archers in front of the English line. These arrangements were hardly completed, when the cardinal Talleyrand Perigord arrived on the field, and with uplifted hands besought John to spare the blood of so many noble knights: nor stake on the uncertain issue of a battle the advantages which he would certainly obtain by negotiation. His repeated entreaties wrung from the king a reluctant consent; and riding to the prince, he represented to him the danger of his situation. "Save my honour," said the young Edward, "and the honour of my army, and I will readily listen to reasonable conditions." "Fair son," replied the cardinal, "you have answered wisely. Such conditions it shall be my task to procure." The legate was indefatigable

* Froiss. c. 155—157.

in his endeavours. He rode from army to army. He laboured to subdue the reluctance of the prince, and to lower the confidence of the king. Edward offered to restore his conquests, his spoil, and his captives, and not to bear arms against France for seven years. John, at the persuasion of the bishop of Chalons, and Eustace de Ribeaumont, demanded as his ultimatum, that the prince and a hundred of his knights should surrender themselves prisoners of war. The proposal was indignantly rejected: the prospect of a pacification vanished; and the night was spent in preparations for battle. To judge from the opposite numbers, no doubt could be entertained of its issue: but the recollection of the battle of Creci, cheered the English with a gleam of hope, and occasionally staggered the confidence of their enemies.*

With the dawn of light, the trumpets summoned the two nations to their respective posts. The English had improved the interval to throw up trenches, and form a barricade of wagons, where their position seemed the least difficult of access.

The French had made no other alteration, than to place a body of reserve under the duke of Orleans in the rear, and to give the command of the first division to the two mareschals, Arnold d'Andreghen, and John de Clermont. The cardinal Talleyrand was again in the field: but his entreaties were fruitless, and he was told that so much importunity displeased the king, and might be attended with disagreeable consequences to himself. He then rode to convey the tidings to the prince, who coolly replied: "God defend the right:" and the departure of the legate was made the signal for the commencement of the battle. The French mareschals, at the head of their cavalry, fearlessly entered the lane, and were suffered to advance without molestation. At last the order was given: the archers behind the hedges poured in destructive volleys of arrows: the passage was choked with men and horses in the agonies of death; and the confusion became irremediable, from the increasing pressure of the rest of the column. A few knights forced their way through every obstacle: others broke down the hedges, and in small bodies reached different points in front of the English: but not one could penetrate as far as the main body. The arrows were directed with too sure an aim, to be eluded by address, and flew with a rapidity not to be resisted by ordinary armour. D'Andreghen was unhorsed and taken: Clermont was killed: their followers, dismayed by their fate, paused, then retired

* Froiss. c. 169.

slowly, and at last fled with precipitation to the second division, which received them within its ranks.

But that division now began to waver. The archers, the terror of the men at arms at a distance, advanced in front, and a body of six hundred English was unexpectedly seen to cross a neighbouring hill, and fall on the left flank. The knights in the rear hastily left their banners to secure their horses; and the lords, who had the charge of the three princes, alarmed for their safety, sent them to Chauvigni under a guard of eight hundred lances. The departure of so large a body was mistaken for a flight; and the whole division in a few minutes dispersed.

The second
retires from
the field.

The men at arms under Edward had hitherto been spectators of the combat. "Sir," said sir John Chandos to the prince, "the field is won. Let us mount, and charge the French king. I know him for an intrepid knight; who will never flee from an enemy. It may be a bloody attempt: but, please God and St. George, he shall be our prisoner." The advice was approved: and the army advanced from the enclosures to the moor, which had become the theatre of battle. The duke of Athens, constable of France, was the first to throw himself in their way: his shout of "Mountjoy, St. Dennis," was answered by the national cry of "St. George for Guienne," and in a few minutes the duke, with the greater part of his followers, was slain. The German cavalry next charged the English: but were easily dispersed with the loss of the three earls, their commanders. Lastly, John himself, animated by despair (for his reserve had fled already) led up his division on foot: and fought for honour, when it was evidently too late to fight for victory.*

The third is
vanquished.

When kings have fallen or have been taken in battle, it has always been the fashion to describe them as performing prodigies of valour. But John does not owe his reputation to flattery or pity: it had been previously established in several engagements, and was equally acknowledged by friends and foes. For a while he maintained the unequal contest. He had received two wounds in the face; was beaten to the ground; and was surrounded by a host of adversaries, each of whom was anx-

John is
taken pri-
soner.

* Froiss. c. 160. In relating the events of this battle, Froissart's arrangement is sometimes evidently erroneous. Thus he kills the constable of France before the flight of the three princes, and describes him as fighting after their flight. I have placed them in the order in which I conceive them to have happened.

ious to secure so noble a prize. A young knight, bursting through the crowd, bent his knee, and requested him to surrender, or he would lose his life. He asked for his cousin, the prince of Wales. "He is not here," returned the knight, "but surrender to me, and I will conduct you to him." "But who are you?" inquired the king. "Dennis de Morbecque," he replied, "a knight of Artois, but compelled to serve the king of England, because I have been banished from France." John surrendered to him: and his son Philip was made prisoner at the same time.*

Modesty of the prince. Thus ended the battle of Poitiers, in which the whole chivalry of France was defeated by a handful of Englishmen, and the king became the captive of the prince whom, he persuaded himself, he had enclosed in his toils. If on such an occasion the youthful mind of the conqueror had betrayed symptoms of vanity, it would have been pardonable: but Edward's moderation in victory added to the admiration which he had inspired by his conduct in battle. There were in his army many knights, who could have disputed with him the palm of personal bravery: there was not perhaps one his equal in the more amiable accomplishments of modesty and courtesy. He behaved to his royal captive with all the respect due to a sovereign, waited on him at table, soothed his affliction by reminding him of his valour, and assured him that in the estimation of all who had witnessed his conduct, he had that day fairly won "the prize and garland" of chivalry.† The next morning he continued

1357. his march with his prisoners to Bourdeaux, and
March 23. having concluded a truce for two years with the
dauphin, the regent of France, returned to Eng-
land in the spring. He landed with John at Sand-
May 5. wich, and proceeded by easy journeys to London.

His father had given the necessary directions for his entry into the capital, under the pretence of doing honour to the king of France; an unwelcome honour, which served to remind that monarch of his captivity, and to make him the principal ornament in the triumph of his conqueror. Arches were thrown across the streets, tapestry, plate, and arms were
May 24. suspended from the windows, and the road was
lined with crowds of spectators. The lord mayor
at the head of more than a thousand citizens, divided into
companies, distinguished by their respective devices and

* Froiss. c. 161. This writer's account is full: a few additional particulars may be gleaned from the French and English historians. The names of the slain and of the captives may be seen in Avesbury, 252.

† Froiss. c. 164.

colours, proceeded to meet the prince and his attendants in Southwark. The king of France was mounted on a cream-coloured charger with magnificent trappings: the young Edward rode a small pony, without any thing to distinguish him; but he did not elude the eager eyes of the spectators, who hailed with loud acclamations the conqueror of Poitiers. Some hours elapsed before the cavalcade could reach Westminster hall, where the king was seated on his throne, surrounded by his prelates and barons. When John entered, he arose, descended to embrace him, and led him to partake of a splendid banquet. The palace of the Savoy, and afterwards the castle of Windsor, was allotted to him and his son for their residence.*

According to a notion, which had been prevalent for ages, the prisoner of war became the absolute property of the captor. The man, who might have deprived him of life, had acquired a right to his person: and, as he was swayed by avarice or generosity, passion or caprice, prolonged or shortened the detention of the captive. Edward, aware of the inconveniences arising from this system, had long attempted to abolish it, by withdrawing prisoners of consequence from the custody of individuals, and placing them under his own control. From those, whom he dared not offend, he purchased their captives for a stipulated sum: others he compelled to surrender them at a price fixed by his council. Thus he secured two great advantages. He was enabled to retain in captivity the prisoners, whose release might be prejudicial to his interests; and, as he was careful to demand more than he had given, was sure to replenish his coffers from their ransoms. At Nevil's cross the king of Scotland, in the battle of Poitiers the king of France, had fallen into the hands of two obscure individuals, who surrendered their captives at the command of their sovereign, and thankfully accepted the remuneration which he assigned them.† Had he still entertained the chimerical design of conquering the two kingdoms, he would not have consented to the release of these monarchs:

Negotiation
with the
king of
Scots.

* Froiss. c. 170. Knyght. 1615. Murim. 110.

† Thus Coupland gave up the king of Scots, and received with the rank of a banneret lands to the yearly value of 600*l*. Rym. iii. 542. Morbecque was less fortunate. Though the king of France declared that he was prisoner to Morbecque, who gave up his claim to Edward (Rym. vi. 72); an action was brought against him by an esquire Bernard de Troie, who maintained that he himself was the real captor (Rym. vi. 154). Morbecque died before the cause was decided in the mareschal's court. Edward occasionally allowed aid to the agents of Troie to pursue the suit (Rym. vi. 509, 510): but we are not acquainted with the issue.

but he resolved to draw more solid advantages from his victories, and willingly entered into negotiations respecting the amount and the conditions of their ransoms. David was the first, who had lost his liberty; and he remained eleven years

1351. the prisoner of his brother-in-law. He was permitted to visit Scotland, and confer with his subjects: but the demands of Edward were high: the Scots were poor and obstinate; and the unfortunate prince, after several fruitless attempts, returned to his prison. Three

1354. years later another negociation was opened: the
July 13. ransom of David was fixed at ninety thousand marks, to be paid by equal instalments in nine years: Edward confirmed the treaty: the day for its execution was appointed, and commissioners were named, to give freedom to the king, and receive hostages for the payment of the money.* To his bitter disappointment, the king of France, a friend and ally, despatched an envoy to Scotland with powers to conclude a treaty, and distribute among the nobility forty thousand crowns. It was a paltry sum: but the glitter of the money furnished an argument which Scottish poverty could not resist. The parliament abandoned their king, refused to furnish the hostages for his release, and engaged to make war upon England.†

Edward's expedition to Haddington and Edinburgh, taught the Scots to doubt the policy of their engagements with France: and they consented to meet the English commissioners to treat of the liberation of their king, and a perpetual alliance between the two crowns. Their partiality, however, for the French, induced them to protract the negotiations: for the space of four months difficulties were objected, explanations demanded, and expedients suggested and withdrawn: but the victory of Poitiers roused them from their apathy; and they now became as eager in making their proposals, as they had hitherto

been backward in accepting the proposals of Edward. At length it was agreed that "Sir David king of Scotland" (so Edward condescended to term him for the first time) should be set at liberty on the following conditions: that during the next ten years there should be a truce between the two powers: that the king of Scotland should pay the king of England one hundred thousand marks in twenty half-yearly instalments: and that in default of payment on any occasion, David should again surrender himself a captive within thirty days after the term had expired. To

He is ransomed.

1357.
Oct. 3.

* Rym. v. 791

† Ford. xiv. 9.

the faithful observance of these articles the Scottish prince swore on the gospels, and as an additional security gave for hostages twenty heirs of the principal families in the kingdom, with nine earls, three of whom in rotation should always remain in the custody of the king of England. Edward, however, was not satisfied: and the deputies of the Scottish prelates, barons, and burghers, severally gave their bonds, by which these orders separately, and all the members individually, made themselves responsible for the payment of the whole, and of every part of the sum stipulated by the treaty. David immediately received his freedom, and returned to his own country.*

Oct. 5.

Nov. 1.

But the Scots soon discovered that they had it not in their power to fulfil their engagements. After two payments they fell into arrears: Edward complained; excuses were offered and at first accepted: recriminations followed: and for eight years the amity between the two crowns was perpetually in danger of being interrupted. After many discussions a new agreement was made, by which all the penalties incurred by former failures were annulled, and a truce was granted for the long term of five-and-twenty years, on condition that the Scots should annually, during that period, pay into the English treasury the sum of six thousand marks: but a proviso was added, giving to either party, at the expiration of four years, the option of recommencing hostilities after six months' previous notice: but stipulating at the same time, that, if David were the aggressor, he should still be bound to the payment of the six thousand marks per annum; but if Edward, he should receive no more than the remaining balance of the original ransom.† It so happened that at the end of four years the king of England was engaged in war, and unwilling to draw on himself additional hostilities from Scotland, he consented to abandon his former demands, and to receive four thousand marks per annum, during fourteen years, which, with what had already been paid, would make up the first sum of ninety thousand marks.‡ David died soon afterwards:

1365.
June 12.1369.
July 20.

* Rym. vi. 31. 33—38. 40—64. Murim. 111.

† Rym. vi. 468.

‡ Id. vi. 632. David appears to have contracted during his captivity an attachment for England. In 1363, he proposed that in the event of his dying without issue, the crown should be given to Lionel duke of Clarence, the third son of Edward; but desisted at the earnest entreaty of his barons. Ford. xiv. 25. Soon afterwards in a conference with Edward, a plan of union between England and Scotland was suggested. In default of issue male by the king of Scots, the king of England was to succeed: but the

but the great truce (so it was called) was carefully observed, and the money was faithfully paid by Robert his successor.

Ineffectual
negociation
with John. But to adjust the rival claims of the kings of England and France was a matter of infinitely greater difficulty. By the pope's mediation a form of peace, subject to the approbation of Edward, had been agreed upon at Bourdeaux, before the prince of Wales and his captive sailed to England.* Two legates followed them to London: and the negociations recommenced. Edward required an enormous ransom for the king and the other prisoners, and demanded in return for his renunciation of all claim to the crown of France, the restoration of the provinces which had formerly belonged to his ancestors, to be holden by him in full sovereignty without any dependence on the French monarch. These were hard and galling conditions: yet such as perhaps might be justified by the existing state of affairs. The king of France was a captive: his son, the regent, was without authority: in some provinces the peasants had risen in arms, plundering and demolishing the castles of the nobles: others were pillaged by parties of marauders, who formerly belonged to the English army, but were now disavowed by Edward: in Paris the provost of the merchants at the head of the populace set the royal authority at defiance: and in Normandy the king of Navarre declared war against the regent, and was suspected of aspiring to the throne, as heir in the female line to Louis le Hutin. John, though he explained, and hesitated, and delayed, at length acceded to Edward's demands: the necessary instruments were sealed: and two prisoners of war returned to France to lay the treaty before the states, and obtain their ratification. But when their contents were disclosed, they were received with horror. Every Frenchman felt for the degradation of his country: and a peremptory refusal was unanimously returned. Edward complained that he was again deceived by the insincerity of his adversaries, and bade them prepare for war at the termination of the truce. They endeavoured to retort the charge, by maintaining that the unreasonableness of his demands was a proof that he did not wish them to be accepted.†

two kingdoms, their parliaments, and revenues to be kept distinct, and all their former usages and liberties preserved. This also came to nothing. Rym. vi. 426. The receipt in full is dated Dec. 1, 1383. Rym. vii. 417.

* Id. vi. 19.

† Rym. vi. 134. Knyght. 2616. Wals.

In the beginning of autumn the king sailed from Sandwich with eleven hundred transports, conveying the most numerous and best appointed army, which had been raised in England for more than a century. From Calais this mighty host marched in three divisions at a considerable distance from each other, with long trains of wagons in the two intervals.* In defiance of the season and of the enemy they forced their way through Picardy, Artois, and Cambresis, as far as Rheims, where the kings of France were generally crowned. It was Edward's intention to have the ceremony performed on himself in that city: but it was so gallantly defended by the archbishop and the inhabitants, that after wasting seven weeks before it, the king raised the siege, and marched into the dutchy of Burgundy. The duke Philip, unable to protect his people against so powerful an enemy, purchased a truce for three years by the payment of fifty thousand marks,† on the condition that he should remain neutral; that his dominions should be free from contributions and hostilities; that his subjects should have permission to serve either prince out of the limits of Burgundy; and that if a majority of the French peers should acquiesce in the coronation of Edward as king of France, the dissent of the duke should be considered as a violation of the treaty.‡

Edward
marches
through
France.
Oct. 28.

Nov. 30.

1630.
Jan. 20.

March 10.

While Edward remained in Burgundy, the English nation was thrown into confusion by the sudden appearance of a French fleet, which swept the channel, and insulted the coast with impunity. Winchelsey was taken and pillaged: and the report of the barbarities, which had been exercis-

The French
fleet insults
the coast.

March 8.

* Rym. vi. 142. Froissart gives a curious account of the baggage of the army. "I must inform you that the king of England and his rich lords were followed by carts laden with tents, pavilions, mills, and forges, to grind their corn, and make shoes for their horses, and every thing of that sort which might be wanting. For this purpose there were upwards of six thousand carts, each of them drawn by four good and strong horses, which had been transported from England. Upon these carts were also many vessels and small boats, made surprisingly well of boiled leather: they were large enough to contain three men, to enable them to fish any lake or pond, whatever might be its size: and they were of great use to the lords and barons during Lent: but the commonalty made use of what provisions they could get. The king had besides thirty falconers on horseback, laden with hawks: sixty couple of strong hounds, and as many greyhounds: so that every day he took the pleasure of hunting or fishing. Many lords had their hawks and hounds, as well as the king." Johnes' Froiss. c. 208.

† 200,000 moutons d'or.

‡ Rym. vi. 161—164.

ed on the captives, induced men of every profession, clergy as well as laity, to arm themselves in defence of their country. The king of France, for greater security, was by command of the council removed from place to place: troops were collected in the ports the most exposed to the enemy: all merchant vessels were seized for the king's use: the maritime counties were compelled to furnish a certain proportion of men at arms: and a fleet of eighty sail, with fourteen thousand

men on board, was placed under the command of
 March 26. sir John Paveley, prior of the knights hospital-
 lers. The French now thought it prudent to retire: but the English, to revenge the atrocities committed at Winchelsea, followed them to their own coast, and took and plundered the small isle of Saints on the coast of Bretagne.*

From Burgundy Edward turned to the north,
 Edward followed the course of the Seine, and within a
 consents to a peace. fortnight planted his banner before the gates of
 Paris. During the festival of Easter, the opera-
 tions of war were suspended by mutual consent: but it was in vain that the papal legates attempted to open a negotiation. The lofty pretensions of the king of England, were met with equal obstinacy by the dauphin: whose confidence was strengthened by the numbers that crowded to his standard, by the severity of the weather, and by the distress of the English from the scarcity of provisions. After sending an idle challenge to his adversary, and wreaking his vengeance on the suburbs by setting them on fire, Edward decamped, with a threat that in the summer he would pay the capital a second and more formidable visit. Necessity compelled him to take the shortest road to Bretagne. At Guillardon he was overtaken by the chancellor of France, with new proposals of peace. They were rejected: the chancellor persevered, and the king hastened his march. The precipitation of the English was like that of a defeated army, seeking to escape the pursuit of a victorious enemy: their rout was covered with the dead bodies of men and horses, the victims of want and fatigue: and in the neighbourhood of Chartres, they found themselves exposed to one of the most dreadful storms recorded in history. The violence of the wind, the bulk of the hailstones, the incessant glare of the lightning, and the sight of the thousands perishing around him, awakened in the heart of the king a sense of the horrors occasioned by his ambition. In a fit of remorse he sprang from his saddle, and stretching his arms towards the cathedral of Chartres, vowed

* Rym. vi. 167, 168. 180.

to God and the virgin, that he would no longer object to proposals of peace, provided they were compatible with the preservation of his honour.*

The negociation now advanced with rapidity. On the seventh of May, an armistice was concluded: on the eighth the treaty, emphatically called "the great peace," was signed at Bretigni by commissioners from each party. The king of England renounced his pretensions to the crown of France, and his claim to the ancient patrimonial possessions of his family, Normandy, Anjou, Touraine, and Maine: he restored all his conquests, with the exception of Calais and Guisnes; and reserved to himself Poitou and Guienne with their dependencies, and the county of Ponthieu, the inheritance of his mother. The dauphin, on the part of his father, consented that Edward and his heirs should possess for ever the full sovereignty of the countries secured to him by the treaty; that a ransom of three million crowns of gold should be paid for John within the course of six years; and that Edward should receive and detain as hostages, twenty-five French barons, sixteen of the prisoners made in the battle of Poitiers, and forty-two burghers from the most opulent cities in France.†

Its terms.

May 8.

The king immediately hastened to England, and John was sent to Calais, that he might the more easily communicate with his son, the dauphin, who for that purpose repaired to Boulogne. Many unexpected difficulties sprung up: explanations were repeatedly demanded and given by each party: and three months elapsed before the treaty was solemnly ratified. Even then the ratification contained an important departure from the original articles. John was anxious to obtain from Edward his renunciation of all claim to the French crown: Edward to obtain from John a renunciation of the sovereignty over Guienne, Poitou, and Ponthieu. Yet these renunciations were not made; not that either of the kings refused to abide by the original treaty, but because the lawyers held, that no renunciation would be valid, till all the other provisions were carried into execution. It was, however, mutually agreed, that every cession stipulated by the treaty should be made as soon as possible, that then the renunciations should be faithfully exchanged in the church of the Augustinians at Bruges, on the next feast of the assumption, or at the latest on that of St. Andrew. In the

Liberation
of John.

July 8.

Oct. 24.

* Froiss. c. 209. According to Knyghton 6000 horses perished on that day. Knyght. 2624.

† Rym. vi. 175—196.

mean time each monarch pledged his word, that he would make no use of his claim, and that as far as the interest of the other was concerted, it should be considered as formally renounced.*

After these preliminary steps, the treaty was ratified with more than usual solemnity at Calais. Edward and John met
Oct. 24. in the church of St. Nicholas, ascended the steps, and knelt together on the platform of the altar. The papal envoy, Audoyne abbot of Clugni, who celebrated mass, turned to them after the consecration, holding the paten with the host on it in his hand, and having by his side the bishops of Winchester and Boulogne, who supported the missal. He recapitulated in their hearing the chief articles of the treaty, to which they were going to swear. Then Edward, after a short pause, addressed the king of France. "Fair brother," said he, "I warn you, that it is not my intention to be bound by this oath, unless you on your part faithfully observe all the articles of the treaty." John signified his assent; and placing one hand on the paten, and the other on the missal, swore by the body of Christ and the holy gospels. He was followed by Edward; and a similar oath was administered to twenty-four French, and to twenty-seven English princes and barons.†

He cannot fulfil his engagements. But John's authority had been impaired by his misfortunes, and he found it an easier matter to promise than to perform. After much opposition and repeated delays, he had been able to transfer to Edward the several districts mentioned in the treaty: but such was his poverty, that in four years he had not paid one third of his ransom, and so stubborn was the opposition of his barons, that he never dared to make the renunciation of sovereignty to which he had bound himself. Whatever was the cause of the delay, no man questioned the king's honour: but the sincerity of his son was deemed more problematical. It was under the plea of that sovereignty, that former kings of France had annexed to their crown the possession of many among the fairest provinces in the kingdom: and it was suspected that the reluctance of the dauphin arose from the hope, that the same claim might hereafter afford him an opportunity of incorporating with his own dominions, those which by the treaty had been secured to Edward and his successors.

It should, however, be admitted that the French government had also just reason of complaint. During the war,

* Rym. vi. 219—298.

† Rym. vi. 233.

the generosity and reputation of Edward had drawn to his standard soldiers of fortune from every nation in Europe: these men could live only on the harvest of their swords: and when the king ordered them to surrender the fortresses in which they had been quartered, they refused to obey, kept possession in defiance of the two monarchs, and supported themselves with the plunder of the country. It is computed that "the companies" (so they were named) amounted at one period to forty thousand men. The number is probably exaggerated: but they associated together, received every new comer into their ranks, and defeated a powerful army, which had been raised, and sent against them by the king of France. It was in vain that Edward issued threatening proclamations: the companies continued to plunder the French territories, till the prospect of greater advantages induced them to join the contending armies in Spain and Italy.*

Besides the difficulty arising from the hostilities of "the companies," there was much in the conduct of Edward himself which awakened suspicion. The particulars have not been transmitted to us: but we have a letter from the pontiff, in which Innocent entreats him, for the sake of his own honour, and in reverence to his oath, to remove every doubt respecting his intentions, and to observe the treaty in all its articles.† Among the hostages in the custody of Edward were four princes of the blood royal of France, and on that account called the lords of the fleurs de lys, the duke of Orleans brother to king John, the dukes of Anjou and Berri his sons, and the duke of Bourbon his cousin. These were anxious to revisit their country: and Edward had assented to their request, on the condition that certain parts of the treaty should be explained in his favour, and that certain castles should be delivered into his hands. The explanations were given: and the four princes were bound to remain at Calais, till the castles should be surrendered.‡ But in the surrender unforeseen difficulties occurred: and the duke of Anjou, violating his parole, proceeded to Paris.§ His father immediately resolved to visit the king of England; and to his council, which attempted to dissuade him, nobly replied: that if honour were banished from every other place, it should find an asylum in the breasts of kings. He was desirous to excul-

Returns to
England.

1362.
Jan. 13.

Nov. 20.

1363.
March 13.

* Froiss. c. 212, 213. Rym. vi. 341.

† Rym. vi. 347.

‡ Rym. vi. 396. 400. 405. 410, 411.

§ Id. 452.

pate himself from any connivance in the escape of the duke of Anjou, to obtain a modification of some articles in the treaty, and to provide for the security of his dominions during his intended crusade for the deliverance of the isle of Cyprus. But his courtiers could understand nothing of these reasons, and maintained that love and not honour was the real motive of his journey. He was received by Edward with every token of affection, resided in the Savoy with the three lords of the fleurs de lys, and spent some weeks in giving and receiving entertainments. But before he could transact any business of importance, he was attacked with a dangerous illness, and after he had lingered a few weeks, expired. The king ordered his obsequies to be performed with royal magnificence,* and sent the corpse with a splendid retinue to France, where it was interred among the ashes of his progenitors in the abbey church of St. Denis.

And dies.
1364.
April 8.

Ravages of
"the com-
panies."

The death of John made no change in the existing relations between England and France. Charles, his successor, much as he disliked, was not yet in a condition to violate with impunity, the peace of Bretigni. The war, which still continued in Bretagne, between the two competitors, Charles of Blois and the young earl of Montfort, might have endangered the continuance of the peace: but the kings, by mutual agreement, allowed them to decide their quarrel by force of arms, and each without giving offence to the other, sent assistance to his ally. Fortunately for the interests of both nations Charles was killed at the battle of Auray. The king of France immediately acknowledged Montfort as the lawful duke: and that prince with Edward's consent did homage to him as his sovereign. Still the ravages of the companies gave occasions of complaint, and threatened to lead to a resumption of hostilities. Edward finding that his proclamations were disregarded, offered to march against them in person: but Charles had no wish to see the king of England again at the head of an army in the heart of France, and discovered an expedient, which, in a great measure, delivered his people from the oppression of these formidable banditti.

Story of
Pedro the
cruel.

At this period the kingdom of Castile, which comprised the larger portion of Spain, was governed by don Pedro IV., who deserved and obtained the significant epithet of "the cruel." He ascended the throne at the age of fifteen, began his reign, by

* Froiss. t. 217. Murim. 118.

ordering, at the instigation of his mother, the murder of his father's mistress Leonora de Guzman; and distinguished each following year by the most cruel executions, dictated by avarice, suspicion, or caprice. He had married a French princess, Blanche de Bourbon: but his affections were captivated by a Spanish lady, Maria di Padilia, and his virtuous but unfortunate queen was kept for years in confinement under the care of Hineztrosa, uncle to the king's mistress. His tyranny at last provoked resistance: the insurgents were compelled to seek an asylum in Arragon: and Pedro declared war against the king of Arragon as the protector of the exiles. Among them were two of the sons of Leonora de Guzman, Enrique count of Trastamara, and Tello count of Biscay. Pedro immediately wreaked his vengeance upon the three remaining brothers, Fadrique, Pedro, and Juan: and added to them several other noble victims, the queen dowager of Arragon, the wife of Tello, and Juan of Arragon with his consort. Blanche herself shortly afterwards experienced a similar fate, and was believed to have perished by poison. The king of Arragon, unable to withstand the superior power of his enemy, gladly purchased a peace: and the exiles, to elude the vengeance of Pedro, retired into France.* To this circumstance that kingdom owed its deliverance from "the companies." It was proposed that don Enrique should lead them under his banner against the tyrant: the king of France and the pope engaged to advance the money for the expedition: and the celebrated Du Guesclin concluded the treaty with the chiefs of the adventurers.† With the addition of the French knights, who were eager to punish the murderer of Blanche, they marched through Arragon to the number of thirty thousand cavalry, and placed Enrique on the throne of Castile without a battle. It was in vain that Pedro summoned his military tenants. They rejoiced at the distress of the despot, who fled through Portugal to Corunna, threw himself on board a vessel in the harbour, and with his three daughters arrived in safety at Bayonne.‡

The king of England, soon after the peace of Bretigni, had united all his dominions between the Loire and the Pyrenees into one principality, and had bestowed it on his eldest son with the title of prince of Aquitaine. The young Edward, who had married his cousin Joan coun-

1361.

* Mariana, xvi. 18. xvii. 6.

† Edward forbade them to enter Spain, Dec. 5, 1365. Rym. vi. 481.

‡ Froiss. c. 228, 229.

Who is
aided by
the black
prince.

tess of Kent, and relict of sir Thomas Holand, kept his court at Bourdeaux at the time when Pedro landed at Bayonne, and the reader may perhaps blush for "the flower of chivalry," when he hears of the cordial welcome and cheering promises which were given to the Castilian. The prince advanced to meet him, received him with honour, assured him of his friendship and protection, and engaged to replace him on the throne from which he had been driven.* Pedro, indeed, stood before him covered with the blood of his wife, of his three illegitimate brothers, and of many other illustrious and innocent victims. But the merit or demerit of the suppliant was not the subject of consideration: as an hereditary sovereign despoiled of his crown, he had a claim on the pity of every true knight: he was willing to repay with liberality the aid, which should be afforded him: and if further justification were necessary, it might be found in the connexion which had long subsisted both by blood and treaty between the royal houses of England and Castile. Information of Edward's design was secretly transmitted to "the companies." The name of their favourite leader shook their fidelity: and twelve thousand men, under sir John Calverly, and sir Robert Knowles, abandoned the standard of Enrique, and hastened to Guienne.

1366.
Sept. 23. The consent of the king of Navarre, without whose permission the army could not have passed the Pyrenees, was purchased by the grant of Guipuscoa,

1367.
Feb. and the promise of a liberal donative: and three bodies of cavalry, each of which amounted to ten thousand men, marched in succession through the valley of Roncesvalles, the supposed scene of the exploits of the fabulous Orlando. It was in the depth of winter: the snow beat in the faces of the troops: and to cold and fatigue was added the want of provisions in a barren and mountainous district. At Pampeluna, the army was relieved by the fears rather than the friendship of the king of Navarre: and from Pampeluna the young Edward continued his march to the frontiers of Castile.† Two days before the battle, he sent a

letter by a herald to don Enrique. In it he expressed his surprise, that a prince of such noble qualities, and the son of a king, should prove disloyal to his sovereign: observed that he was come in pursuance of former treaties to replace Pedro on the throne: and offered his media-

April 1.

* See the treaties between them in Rymer, vi. 512—533.

† Froiss. c. 234, 235.

tion to spare the effusion of blood, and restore friendship between the two brothers. Enrique in his answer maintained that Pedro had forfeited the crown April 2. for his crimes; that he himself had been called to the succession by God and the people; and that it was his duty, which he would perform, to repel injury by injury, and uphold the honour and independence of Castile. This answer closed every prospect of peace, and both armies prepared for the battle on the morrow.*

The next morning the plains between Navarrette and Najora were covered with the two armies. Enrique brought into the field sixty thousand infantry, thirty thousand cavalry, ten thousand archers, and four thousand French knights and esquires, who had followed Du Guesclin to Spain, to revenge the fate of Blanche de Bourbon. The army of the prince did not amount to thirty thousand men: but the disparity was more in the numbers than in real force: for the Spanish foot soldiers, though with their slings they might annoy the cavalry at a distance, were of little use in close combat: and the men at arms under the prince were veterans, who had long been inured to victory. At the very onset, Tello, the brother of Enrique, fled with his division: but the battle was obstinately maintained by the exertions of Enrique himself, and the courage of Du Guesclin. At length the latter was made prisoner: the French men at arms were dispersed: their opponents attacked the Spaniards in flank: and Enrique mounting his genet fled to Calahorra, and thence proceeded to his friend the king of Arragon at Valencia.† Six thousand of the enemy remained on the field of battle. The prisoners amounted to two thousand,‡ whom the sanguinary Pedro had prepared to immolate to his revenge. At the request, however, of the prince, a request which he dared not refuse, he pardoned them, with the exception of Gomez Carillo, accepted their homage, and proceeded to take possession of Burgos, which immediately opened its gates. In a few weeks, deputies from the several provinces swore allegiance to their former sovereign: but he no sooner recovered his crown, than he was harassed with the demands of his allies, which he had not the power, perhaps not the inclination, to satisfy. He amused the

Battle of
Navarrette.
April 3.

* Rym. vi. 554—557. The letters in Froissart are very different from the real letters published by Rymer. That amusing writer collected his information from hearsay, and of course was frequently the dupe of ignorant or deceitful narrators.

† Rym. vi. 557. Knyght. 2629. Mur. 120. Froiss. c. 239.

‡ Wilkins, Con. iii. 67.

prince, however, with protestations of his good faith: persuaded him to put the army in cantonments in the neighbourhood of Valladolid; and promised to go to Seville

June 6. and return thence by Whitsunday, with money
The prince sufficient to fulfil all his engagements. Whitsun-
returns into day came; three more weeks were suffered to
Guienne. elapse, and still there was no intelligence of don

Pedro. Edward began to be alarmed: he saw his army wasting away through the heat of the climate, and suffering through the want of provisions: and despatched a few knights to discover the king of Spain, and enforce his demands. They

June 26. found him at Seville; and returned with an answer, which convinced the prince that no reliance was to be placed on the faith of the ungrateful Castilian. He immediately put his army in motion, and returned through the kingdom of Navarre, into his own territories. Thus ended this glorious, but, as the sequel proved, most unfortunate expedition. The tyrant recovered his throne at the expense of his ally; and the prince returned to Bourdeaux with an exhausted treasury, and a shattered constitution.*

The reader is aware that none of the renun-
Policy of ciations stipulated by the peace of Bretigni, had
Charles, been hitherto made by either of the parties. With
and discon- whom the blame should rest, it is now difficult to
tent of the determine. By the French writers it is attributed
Gascons. to Edward, who had neglected to send his messengers to Bruges at the time appointed; and who perhaps wished to retain his claim to the French crown, till he should see all the articles of the treaty faithfully executed. The English, on the contrary, accuse the insincerity of the king of France: and it must be confessed, that there appears much in his conduct to require explanation. It was in vain that Edward demanded the arrears of the ransom of John, the return of the prisoners who had broken their parole, and the substitution of new hostages in the place of those who were dead. Every claim was artfully eluded. Charles seemed to wait for an opportunity of recovering the advantages lost by his father: and the circumstances of the time were of a nature to flatter him with the hope of success. The natives of the ceded districts, and even many among those of Guienne, loudly expressed their discontent under the government of the English, whose avarice monopolized every situation of profit, and whose arrogance claimed the merit of every successful engage-

* Froiss. c. 240, 241.

ment. The vigour, which had once distinguished the king, had begun to disappear: and a gradual decay with increasing years equally enfeebled his mind and body. The black prince, whose very name had formerly struck terror into every enemy, had brought from Spain a disease, which baffled the skill of his physicians; and had reduced him to such a state of weakness, that he was unable to mount on horseback. He had grown melancholy, and morose. Plunged by the bad faith of Pedro into an abyss of debt, he could neither defray the expenses of his court, the most magnificent in Europe, nor fulfil his contracts with the troops, who had followed him into Spain. He removed "the com-
 1368.
 panies," who began to plunder, by giving them a tacit permission to resume their depredations on the French territory: and to satisfy the growing demands of his creditors, proposed to the states the imposition of a hearth-tax for the five following years. Several provinces cheerfully gave their consent: the count of Armagnac, and most of the lords whose lands skirted the foot of the Pyrenees, maintained that it would be a violation of their privileges. Necessity made the prince obstinate: and the discontented barons, repairing to Paris, appealed from the oppression of their immediate, to the protection of their superior, lord, the king of France.*

Charles by his wary and successful policy had obtained from his subjects the flattering epithet of "the wise." On the present occasion he acted with his usual caution. The appeal was neither received nor rejected; but he secretly assured the appellants of his protection, promised to indemnify them against the resentment of the prince, and under different pretexts detained them for twelve months in his capital. In the mean while he employed his brother the duke of Anjou, who had been appointed governor of Languedoc, to foment the discontent of the Poitevins, and despatched emissaries to tempt the fidelity of the lords and burghers in Ponthieu. Messengers were also sent to solicit the aid of don Enrique, who was once more seated on the throne of Castile. After the departure of the black prince he had again entered the kingdom, defeated his rival, and besieged him in the castle of Montiel. By accident or treachery, the two brothers were brought together in the tent of a French knight: they immediately grappled with each other: Pedro threw Enrique on the floor; and Enrique in the struggle despatched his adversary with a poniard. The

Don Pedro
is slain.

* Froiss. c. 242. 244.

1368.
Nov. 20. new king of Castile willingly consented to an alliance offensive and defensive with Charles: and the succours were fixed, which he was bound to supply as soon as war should be proclaimed against England.*

Losses of
the Eng-
lish in
France. The French monarch now ventured to throw off the mask, and summoned the prince of Aquitaine to appear in his court and answer the complaint of his vassals. The young Edward replied that he would obey, but at the head of sixty thousand men; an idle vaunt, which he had never the power to execute. His father, more apprehensive

1369.
May 1. of the result, seriously offered to renounce his claim to the French crown, and to the provinces of Normandy, Maine, and Anjou, on condition that Charles should equally renounce his right of sovereignty over the provinces now possessed by the king of England. The proposal was referred to the French peers, who advised their sovereign to reply by a denunciation of war. Ponthieu, Poitou, and Guienne were immediately entered by hostile armies: the swords of the invaders were aided by the disaffection of the natives: after a decent delay all the English possessions in France were annexed by a judicial sentence to the French crown; conquest followed conquest: and at the end of six years Charles had not only recovered the districts lost by his father, but had also made himself master of the far greater part of Guienne.

Massacre at
Limoges. Edward, however, did not tamely surrender his transmarine dominions. He convoked his parliament, inveighed with bitterness against the perfidy of Charles, re-assumed the title of king of France, and offered to every adventurer the possession of such fiefs as he might conquer in that kingdom.† As a French fleet rode triumphant in the channel, he ordered all his subjects between the ages of sixteen and sixty, without distinction of laymen or ecclesiastic, to be arrayed for the defence of the country.‡ Reinforcements were sent to the black prince, and his brother the duke of Lancaster landed with an army at Calais: but Charles had forbidden his generals to hazard an engagement; and while the English pillaged the country, the French extended their conquests by the capture of towns and fortresses. The prince with his wife and son lay in the castle of Angouleme, a prey to disease and vexation,

* Rym. vi. 598. 622.

† Rot. Parl. ii. 229, 300. 302. Rym. vi. 621. 626.

‡ Rym. vi. 631. He previously asked the consent of the prelates in parliament, *queux prelatz granterent de ce faire en eide du Roialme, et de seinte Esglise.* Rot. Parl. ii. 302.

till he was roused from inactivity by the intelligence, that the dukes of Anjou and Berri were advancing from different points to besiege him with their united forces. He declared that his enemies should find him in the field: his standard was unfurled at Cognac: and there was still such a magic in his name, that the French princes disbanded their armies, and garrisoned their conquests. Among these was Limoges, the capital of Limousin, which had been surrendered by the cowardice, perhaps betrayed by the perfidy, of the bishop and the inhabitants. Edward, who had always distinguished them with particular marks of his attachment, swore by the soul of his father, that he would punish their ingratitude or perish in the attempt. A month was spent in undermining the walls: early in the morning fire was put to the temporary supports: and at six o'clock a wide breach opened a way into the heart of the city. The inhabitants immediately abandoned all hope of defence: and men, women, and children threw themselves at the feet of the prince soliciting for mercy. It seemed as if the vindictive soul of don Pedro had been transferred into the breast of the English hero: no prayers or representations could mollify his resentment; and orders were issued for the promiscuous massacre of the whole population. "There was not that day," says Froissart, "a man in Limoges, with a heart so hardened, or so little sense of religion, as not to bewail the unfortunate scene before his eyes. Upwards of three thousand men, women, and children were slaughtered. God have mercy on their souls! for they were veritable martyrs."

The French knights, who formed the garrison, drew themselves up with their backs to a wall, resolved to sell their lives as dear as possible: and the English, dismounting that they might be on the same footing with their opponents, advanced to the attack. The superiority of number was balanced by the courage of despair: and the prince, who from his litter was a spectator of the combat, felt so delighted with the prowess displayed by each party, that he offered by proclamation, life and the liberty of ransom to those who might choose to surrender. The survivors gladly accepted the boon: the city was pillaged and reduced to ashes.*

The reader has often had occasion to admire the character of the black prince. By the contemporary writers he is portrayed as the mirror of knighthood, the first and greatest of heroes. But the massacre at Limoges has left a foul blot on his memory. Among

Defects of
chivalry.

* Froiss. iv. 94. 101—106. Murim. Cont. 125.

a thousand similar instances it proves, that the institution of chivalry had less influence in civilizing the human race, than is sometimes ascribed to it. It gave indeed to courage some external embellishments: it regulated the laws of courtesy: it inculcated principles, often erroneous principles, of honour: but the sterner and more vindictive passions were effectually beyond its control: and the most accomplished knights of the age occasionally betrayed a ferocity of disposition, which would not have disgraced their barbarian ancestors of the sixth century.* But the military career of the prince was now terminated. The effort had exhausted his enfeebled constitution; and by the advice of his physicians he returned to England, where, at a distance from the court and from political concerns, he lingered for six years, cheering the gloom which hung over him with the hope that his second son Richard (the eldest was dead) would succeed to the crown, and uphold the renown of his family.

English armies march through France. All the great military operations of the English during Edward's reign seem to have been conducted on the same plan, of penetrating into the heart of France, and staking the success of the campaign on the issue of a general battle. But the policy of his rival taught him to avoid an engagement. Sir Robert Knowles, at the head of the English army, was permitted to march at his pleasure through Picardy, Champagne, and Brie, to insult the walls of the capital, and to return to winter quarters on the borders of Bretagne.† On another occasion the duke of Lancaster with equal ease led his troops through the very centre of the kingdom, traversing Picardy, Champagne, Burgundy, and Auvergne, till he arrived in Guienne.‡ But such expeditions, though they inflicted severe calamities on the wretched inhabitants of the country, were attended with occasional losses, and gave the invaders no permanent advantage; while the French steadily pursued the same plan of dismembering the English territories, and of securing every conquest with strong fortresses and garrisons. The only action of consequence during the war, was fought between the English and Spanish fleets in the road of Rochelle. When Pedro, king of Castile, fell by the hand of his bastard brother, his two daughters, Constance and Isabella, resided in Guienne, whence they came to England, and were

* I may add, that chivalry also generated and nourished a profound contempt for the other orders in society. The black prince spared the lives of the *knights*, who held Limoges against him: but shed with pleasure the meaner blood of the inhabitants, three thousand men, women, and children!

† Froiss. ii. c. 16. 20.

‡ Murim. Cont. 128.

married to two sons of Edward, the former to the duke of Lancaster, the latter to the earl of Cambridge.* The duke immediately assumed the arms and title of king of Castile, and don Enrique, convinced that the security of his crown depended on the success of the French, entered with cheerfulness into the war. The Spanish fleet lay before Rochelle, to intercept the succours, which were expected from England under the earl of Pembroke, who during two days maintained the unequal contest. The ships of the enemy were of greater bulk, better prepared for action, and supplied with cannon: and the courage of the English served only to add to the magnitude of their loss. Not a sail escaped. Their commander was taken: most of the ships, with the military chest, were sunk.†

1372.
June 23.

In the year 1374 England retained of her transmarine possessions only Calais, Bourdeaux, Bayonne, and a few places on the Dordogne. Edward, weary of this succession of disasters, obtained a truce, which at short intervals was repeatedly prolonged till his death. The pope continually exhorted the kings to convert the truce into a peace: but their resentments were too violent, their pretensions too high, to allow of any adjustment. Charles demanded the restoration of Calais, and the repayment of the sums, which had been advanced as part of the ransom of his father: Edward spurned these conditions, and insisted that his adversary should renounce all claim to the sovereignty of Guienne.‡

In the judgment of the public, an unfortunate is always an incapable administration. As long as the king was surrounded with the splendour of victory, his commands were cheerfully obeyed, and his wants readily supplied by his admiring and obsequious subjects. But when his good fortune began to fail, they freely criticised the measures of his government, blamed his ministers, and with every grant of money, wrung from him some new concession. The duke of Lancaster, who, during the illness of his elder brother, and the declining age of his father, had assumed the reins of administration, became the object of public hatred: and the prince of Wales, whether it were that he was jealous of the ambition, or really disapproved of the conduct of the duke,

* They were both illegitimate; but don Pedro, after the death of their mother Maria di Padilia, took an oath that she was really his wife, and declared her daughters his heirs. Mariana, xvii. 6.

† Froiss. c. 34—36. Murim. Cont. 128.

‡ Rym. vii. 51. 53. 68. 100.

lent his name and influence to the opposition.* The parliament (it was long known among the people by the name of the good parliament) coupled with the grant of a supply, a strong, though respectful remonstrance. The com-

1376.

April 28.

mons, by the mouth of their speaker, sir Thomas de la Mare, enumerated the plentiful aids which the king had obtained from his people, and the immense sums which he had received for the ransoms of the two kings of Scotland and France: and asserted it to be their conviction, that if the royal revenue had been faithfully administered, there could have been no necessity of laying additional burdens on the nation. They hinted that the present administration was unequal to the task of conducting the public business; and requested that ten or twelve new members might be added to the council. Though they did not ven-

ture to mention the duke himself, they impeached several of his favourites of extortion, of selling illegal grants, of raising loans for their own profit, and of purchasing the king's debts at a low price, and paying themselves in full out of the treasury. The lord Latimer the chamberlain, was expelled from the council for ever, and put under arrest: the lord Nevil was deprived of all his offices; and Richard Lyons, William Elys, John Peeche, and Adam Bury, farmers of the customs and of certain monopolies, were thrown into prison, and placed at the king's mercy.† The next object of prosecution was Alice Perrers, a married woman of distinguished beauty and wit, who had been lady of the bed-chamber to queen Philippa, and after her death had acquired so powerful an ascendancy over the mind of the king, that she had obtained a grant of the jewels belonging to her deceased mistress,‡ and was allowed by him to dispose of the royal favours. Confident in her own power, she affected to despise the indignation of the public, and employed her influence to impede the due administration of justice in favour of those who had purchased her protection. To check the presumption of this woman, the following ordinance was made: "Whereas complaint has been brought before the king, that some women have pursued causes and actions in the king's courts by way of maintenance, and for hire and reward, which thing displeases the

* This fact we learn from the continuator of Murimuth, a contemporary. (Quo principe extincto) protinus extinctus est cum eo effectus parliamenti. Nam illi de communitate, cum quibus ipse tenebat, non sunt talem exitum dicti parliamenti sortiti, qualem pro meliori habuisse sperabant, p. 134.

† Rot. Parl. ii. 322—329.

‡ Rym. vii. 28.

king, the king forbids that any woman do it hereafter: and in particular Alice Perrers, under the penalty of forfeiting all that the said Alice can forfeit, and of being banished out of the realm.”*

While the commons were thus engaged in the work of reform, they suddenly lost their firmest support by the death of the prince of Wales.† They deplored the event as a national misfortune, and petitioned the king to introduce to the parliament, the only surviving son of the prince, Richard of Bourdeaux, who was in his tenth year, that he might be received with the honour due to the presumptive heir of the crown. Their request was granted. The arch-
Death of
the black
prince.
June 8.
June 25.
 bishop of Canterbury presented the young prince to the two houses, calling him the fair and perfect image of his father, the successor to all his rights, and of course the apparent heir to the crown. The commons received him with acclamations of joy; and preferred another petition that he might be declared prince of Wales: but their eagerness was checked by the lords, who replied, that the grant of such honours “belonged not to the prelates or barons either in or out of parliament, but exclusively to the sovereign, who usually exercised his prerogative on some great festival.” They promised, however, to represent the wish of the commons to the king, and to support it with all their influence.‡

The power of the “good parliament” expired with the prince of Wales: and many of their petitions were now refused by the king. After the dissolution the new council of twelve was re-
Influence of
the duke of
Lancaster.
 moved:§ the duke of Lancaster resumed the chief place in the administration; and his former partisans were restored to favour. They immediately wreaked their vengeance on their accusers. Sir Thomas de la Mare, the speaker, who had made himself peculiarly obnoxious, was arrested under false pretences, and closely imprisoned in the castle of Newark: and William of Wickham, the celebrated bishop of Winchester, was accused of several misdemeanors, and, without being

* Rot Parl. ii. 329. Murimuth (p. 134) says they petitioned that she might be removed from the king’s person: Walsingham repeats the same (p. 189,) and most modern writers tell us that she actually was removed. But it appears from the rolls that nothing more was done than is mentioned above.

† He died at Canterbury, and was buried in the cathedral, where his tomb may be still seen.

‡ Rot. Parl. ii. 330.

§ The king is said to have been irritated by the refractory conduct of the earl of Warwick, one of the number. Murim. Con. 135.

heard, was condemned by Skipwith, one of the judges, to lose his temporalities, and to keep himself at the distance of twenty miles from the king's person. In the next parliament the majority of the commons was composed of the duke's creatures, who had been illegally returned by the sheriffs at his request: and his steward, sir Thomas Hungerford, was appointed the speaker. The court, however, found it a difficult task either to silence the members who had belonged to the last parliament, and who demanded the trial or liberation of sir Thomas de la Mare; or to satisfy the prelates, who required justice to be done to their colleague the bishop of Winchester. To intimidate the latter the duke espoused the defence of Wycliffe, who had been accused of teaching heterodox tenets; and as the minority in the commons was supported by the inhabitants of London, threw out some hints of a design to abridge the liberties of the city. Accompanied by the lord Percy, whom he had lately made earl mareschal, he attended at the trial of Wycliffe: but the injurious words which he addressed to Courtenay bishop of London, excited considerable indignation; and the audience, rising in a tumult, declared that they would protect the prelate at the danger of their lives. The next morning the populace assembled, demolished the Marshalsea, gutted the Savoy, the duke's palace, reversed his arms as those of a traitor, and killed a clergyman whom they mistook for the lord Percy. The bishop by his entreaties prevailed on these misguided men to retire to their homes: but the duke was not to be appeased by their subsequent offers of submission. The mayor and aldermen lost their offices, which he immediately filled with his own dependants.*

The sitting of the parliament had been interrupted by this tumult. As soon as it was resumed, an aid was granted of a poll tax of one shilling on every beneficed clergyman, and of four pence on every other individual, male or female, above the age of fourteen years, mendicants only excepted: and in

Feb. 22. return the king published a general pardon for all trespasses, negligences, misprisions, and ignorances, because he had now completed his jubilee, the fiftieth year of his reign.† The next day the

* Murim. Cont. 135—137. Wals. 190. 192. Stow, 273. 275.

† In the rolls it is said to be now his jubilee, the fiftieth year of his reign: yet it is certain that his fiftieth year expired in the preceding month. From this pardon the bishop of Winchester was excluded by name. Rot. Parl. ii. 364. In June, however, by the influence of Alice Perrers, to whom he made a valuable present, he obtained the restoration of his temporalities. Stow, 275. Rym. vii. 148.

commons presented seven bills for the reversal of the judgments given in the last parliament, but before they could receive the royal assent, an end was put to the session by a message from the king.

From this time Edward lived in obscurity at Eltham, abandoned to the care or mercy of Alice Perrers. As he daily grew weaker, she removed with him from Eltham to Shene; but kept him in ignorance of his approaching dissolution. On the morning of his death she drew the ring from his finger and departed. The other domestics had separated to plunder the palace: but a priest, who chanced to be present, hastening to the bed of the dying monarch, admonished him of his situation, and bade him prepare himself to appear before his Creator. Edward, who had just strength enough to thank him, took a crucifix into his hands, kissed it, wept, and expired.*

The king's death.

June 21.

The king had been once married, to Philippa of Hainault, who died in 1369, and was buried at Westminster. She bore him a numerous family, seven sons and five daughters; of whom three sons, and one daughter, survived him. His death happened in the sixty-fifth year of his life, and the fifty-first of his reign.

In personal accomplishments Edward is said to have been superior, in mental powers to have been equal, to any of his predecessors. More than usual care had been bestowed on his education: and he could not only speak the English and French, but also understand the German and Latin languages. His elocution was graceful; his conversation entertaining; his behaviour dignified, but also attractive. To the fashionable amusements of hunting and hawking he was much addicted: but to these he preferred the more warlike exercises of the tournament: and his subjects, at the conclusion of the exhibition, often burst into transports of applause, when they found that the unknown knight, whose prowess they had admired, proved to be their own sovereign.† Of his courage as a combatant, and his abili-

His character.

* Walsing, 192.

† In a tournament at London, the king personated the mayor, his two eldest sons the sheriffs, and two other of his sons, with several noblemen, the aldermen of the city. See Carte. His admiration of chivalry, also induced him to establish the order of the garter about the year 1349. It is probable that by the garter he meant to allude to the union which ought to exist among the knights, and that the motto, "Honi soit qui mal y pense," shame on him who thinks evil, was intended as an admonition to the members to be honourable in mind as well as in action. The story, that he made use of these words, as he took up the garter, which had fallen from the countess of Salisbury, while she was dancing, is generally exploded. It is,

ties as a general, the reader will have formed a competent opinion from the preceding pages. The astonishing victories, which cast so much glory on one period of his reign, appear to have dazzled the eyes both of his subjects and foreigners, who placed him in the first rank of conquerors: but the disasters, which clouded the evening of his life, have furnished a proof, that his ambition was greater than his judgment. He was at last convinced that the crowns of France and Scotland were beyond his reach; but not till he had exhausted the strength of the nation by a series of gigantic but fruitless efforts. Before his death all his conquests, with the exception of Calais, had slipped from his grasp: the greater part of his hereditary dominions on the continent had been torn from him by a rival, whom he formerly despised: and a succession of short and precarious truces was sought and accepted as a boon by the monarch, who in his more fortunate days had dictated the peace of Bretigni.

Advantages derived from his wars.

Still the military expeditions of Edward, attended as they were with a great expenditure of money and effusion of blood, became in the result productive of advantages, which had neither been intended nor foreseen by their author. By plunging the king into debt, they rendered him more dependant on the people, who while they bitterly complained of the increasing load of taxation, secured by the temporary sacrifice of their money permanent benefits both for themselves and posterity. There was scarcely a grievance, introduced by the ingenuity of feudal lawyers or the arrogance of feudal superiority, for which they did not procure a legal, and often an effectual, remedy. It was not indeed a time when even parliamentary statutes were faithfully observed. But during a reign of fifty years the commons annually preferred the same complaints; the king annually made the same grants: and at length by the mere dint of repeated complaint and repeated concession the grievances were in most cases considerably mitigated, in some entirely removed.

Grievances redressed.

I. One of the most intolerable of these grievances was that of purveyance, which, in defiance of former enactments, continued to press heavily on the people. Wherever the king travelled, every horse and

however, remarkable that when Benvolet, the monk of Clugny, in the year 1457 made inquiries respecting the origin of the order and its insignia, though he could not procure any certain information, he found a vague but very prevalent tradition, that it owed its institution to females. *Sunt plebique nonnulli autumantes hunc ordinem exordium sumpsisse a sexu muliebri.* Hearn's Whethamstede, p. 436, and Append. cxlv. Harpsfield, 705.

carriage within many miles on each side of the road was put in requisition for the conveyance of his suite, which seldom amounted to less, often to more, than one thousand persons. All these lodged themselves at discretion in the neighbourhood, exacted provisions from the inhabitants, and on many occasions wantonly destroyed what they were unable to consume. In the same manner purveyance for the king's table and household was made by his officers, wherever he stopped: orders were issued to different counties to supply his usual places of residence, with meat, corn, forage, and every article necessary for the support of man and beast: and, as often as it seemed expedient, provisions were seized for the use of the royal garrisons, of the expeditions which sailed to the continent, and occasionally of the armies stationed in foreign parts. Nor was this privilege confined to the king, or the members of his family: it was often, though illegally, assumed by the great officers of state, occasionally by noblemen, whose power had raised them above the laws. Originally, indeed, it had been intended that in every case full payment should be made to the owners: but numberless frauds and extortions were practised by the purveyors, who took whatever they pleased, fixed the price themselves, and in consideration of presents burdened some to relieve others. Nor was it easy to obtain payment. Often the claimants were referred by the treasurer of the household to the sheriff of the county, and again by the sheriff to the officers of the exchequer: every demand was subject to the most jealous investigation: legal subtleties were employed to elude or delay payment; and the debtor was often compelled, after a fruitless pursuit of several years, to relinquish his claim through lassitude and despair. Edward to every remonstrance replied, that he would not surrender one of the most valuable rights of the crown, but that he was always ready to concur in any measures which might serve to lighten the burden to his subjects. By successive statutes it was enacted: that the right of purveyance should be confined to the king, the queen, and the heir to the throne; that even *they* should provide their own horses and carriages: that the persons of their household should be billeted on inhabitants by the officers of each township: that all disputes respecting the price should be decided by the constable and four jurors of the neighbourhood; that payment of small sums should be made within twenty-four hours, of larger sums in four months: that all infractions of these orders should be cognizable before the justices of the peace; and that the transgressors should be treated as robbers and felons, according to the nature of the

offence.* Thus a strong barrier was at last opposed to the extortions and encroachments of the purveyors: but the right itself was obstinately retained by succeeding monarchs, and three centuries elapsed before it was completely abolished in the reign of Charles II.†

II. Much also was done at this period to clear the administration of justice from the most revolting of the abuses with which it was polluted.

It has already been observed that the king's courts were originally established more for the advantage of the monarch than of the people: and his officers acted as if they had been fully aware of this object. They seem to have thought, that if they could only pour large sums of money into the exchequer, they might enrich themselves and their dependants with impunity at the expense of the suitors. The rolls of parliament are filled with complaints of their injustice: and many of the improvements which we at present enjoy, are owing to the pertinacity with which the commons annually repeated their complaints. The sheriffs, coroners, and escheators were armed with powers which rendered them the tyrants of their respective counties. By repeated acts it was provided that they should be selected from the opulent landholders within the shire, and that they should no longer hold their offices in fee for a term of years, but be constantly removed at the expiration of twelve months; provisions which gave to the aggrieved the opportunity of meeting his oppressor on an equality in a court of justice, and secured to him a fund for the payment of any damages which might be awarded.‡ The conservators of the peace were gradually intrusted with additional powers: they were authorized to take sureties for good behaviour, were appointed justices to hear and determine felonies and trespasses, and were ordered to hold their sessions four times in the year.§ Severe penalties were enacted against the "maintainers of false quarrels," that is, those who lodged groundless informations, or suborned false witnesses, or conspired to retard the decision of litigated cases. To silence the complaint, and remove the temptation, of bribery in the judges, a competent addition was made to their salaries:¶

* All these grievances with their remedies are repeatedly noticed in the Rolls, ii. 9. 12. 140. 161. 166, 167, 168, 169. 171. 203. 228, 229. 260. 269. 319. 446.

† 12 Charles II. c. 24.

‡ Rot. Parl. ii. 15. 229. 261, 355.

§ St. 34 Edward III. c. 1. 36 Ed. III. c. 12. Rot. Parl. ii. 271.

¶ Ibid. ii. 141. The salary of the chief justice of the king's bench was 40*l.* per annum, of a puisne judge 40 marks. Dugd. Orig. Jurid. xl.

and, as a check on the proceedings in the courts, it was ordained that all informations should be laid, and all pleas should be held, in the English, instead of the French language.* This was a most valuable improvement. The parties in the cause, who before were ignorant of what was said in their favour or against them, could now satisfy themselves, whether their interests had been betrayed or defended: and, what was of still greater importance, the knowledge that the spectators understood the language of the proceedings, operated as a powerful stimulus to fidelity in the advocate, and impartiality in the judge.†

Another improvement, the benefit of which is still felt by the inhabitants of these realms, was, Statutes of treasons. the statute of treasons passed in “the blessed parliament,” as it was called, in 1351. High treason is of all civil offences the most heinous in the eye of the law, which for that reason subjects the culprit to the utmost severity of punishment. Yet this crime was so loosely defined, that the judges claimed the power of creating constructive treasons, and frequently convicted of that offence persons, whose real guilt amounted only to felony or trespass. Thus in the year 1347, a knight of Hertfordshire had confined a man in his castle, and detained him a prisoner till he paid a ransom of ninety pounds. This was a common practice at the time: but at the trial the offender was adjudged to suffer the penalty of treason, because he had “accroached,” or drawn to himself the exercise of a power belonging to the sovereign. The decision created a general alarm: and the commons petitioned the same year, that it should be declared in parliament what act constituted such an accroachment, as should deprive the lord of the advantage of the forfeiture, and the delinquent of the benefit of clergy. An evasive answer was returned from the throne, that the nature of such acts was sufficiently declared in the judgments themselves. But the commons persevered: and when in 1351 they granted an aid, they renewed their petition, and extorted a satisfactory answer. It was determined that treason should, for the future, be confined to seven offences: the compassing or imagining the death of the king, or of his consort, or of their eldest son and heir; the violation of the queen’s person, or of the wife of the king’s

* Ibid. 273.

† In the statute itself it was, however, added, that though cases should be pleaded, shown, defended, answered, debated, and judged in English, they should be entered and enrolled in Latin, St. 35 Ed. III. St. 1 c. 15. It is remarkable that the next parliament was opened in English. Rot. Parl. ii. 279.

son and heir, or of the king's eldest daughter not being married:* the levying of war within the realm, or the adhering to the king's foreign enemies, which should be proved by some overt act to the satisfaction of a competent jury: the counterfeiting of the great seal: the counterfeiting of the current coin of the realm: and the murder of certain great officers of state, or of the king's judges in the actual exercise of their duty. We should not, however, attribute this limitation to enlightened views in the legislature. It was probably owing to considerations of individual interest. For other transgressions, if the offender forfeited his lands, they reverted to the lord of the fee, of whom he held them: but in convictions for high treason, the lands were for ever lost to the lord, and from that moment annexed to the crown. Hence it became an object to the king to give the utmost extension to the law of treason, and to the mesne lords to confine it within the narrowest limits.†

Account
of parlia-
ment.

III. The people had now learned to appreciate the utility of frequent parliaments. These assemblies offered them protection from the insolence and extortion of the officers of the crown, and repeatedly procured for them the confirmation of their liberties from the sovereign. They "amended errors, removed abuses, and enforced the execution of the new statutes, which, had it not been for their vigilance, would speedily have fallen into disuse."‡ During the reign of the king's father the "ordainers" had appointed that a parliament should be held at least once a year: but as the right of the "ordainers" might be questioned, this statute was re-enacted by legitimate authority, and frequent requests were made that it should be faithfully observed.§ But Edward stood not in need of such admonitions: his wants perpetually compelled him to solicit the aid of his people; and more than seventy writs for the meeting of parliament were issued during the fifty years of his reign.

* Why was the legislature so anxious to guard the honour of the eldest daughter exclusively, and that only as long as she was unmarried? Probably that the king might not lose the opportunity of marrying her, and with it the aid, which he had a right to demand of his tenants on that occasion. He could demand no aid at the marriage of his younger daughters.

† Rot. Parl. ii. 239.

‡ Pur maintenance de ditz articles et estatutz, et redrescer diverses mischiefs et grevances que viegnent de jour en autre—faire corrections en Roialme des erreurs et fautes, si nuls y soient trevez. Rot. Parl. ii. 271. 355.

§ 4 Ed. III. c. 12. Rot. Parl. ii. 271. 355.

As every thing connected with the history of these assemblies must be interesting to an Englishman, I shall attempt to delineate the form which they assumed, and the manner in which they were conducted during this period. A full parliament consisted of the three estates, the clergy, the lords, and the commons. 1. The reader will recollect that the dignitaries of the church were summoned to appear in person, the chapters and inferior orders by their representatives; that they obeyed with reluctance; and that at length they succeeded in obtaining an exemption from the burden.* There can be no doubt that, while they continued to sit with the lords and commons, they possessed the same authority as either of their co-estates:† nor do they appear to have forfeited it, even when they were suffered to exchange attendance in parliament for attendance in convocation. They were summoned, indeed, by the archbishop, but at the requisition of the king, and for the same purpose as the lords and commons. They were called together “to treat, consult, and ordain, with respect to such matters as should be submitted to them on the part of the crown,” either by the king in person, or by the royal commissioners, “and to give their advice, aid, and consent, to those measures, which should then be ordained for the defence and profit of the church and the state.”‡ As, however, they sat in a different place, refused to interfere in civil enactments, and communicated with the king through the prelates, who were members of the house of lords, the word parliament soon came to signify in common acceptation, the other two estates assembled by a royal summons to consult with the king.

Its members.

The three estates.

The clergy.

* Vol. ii. p. 375—377.

† They attended, *ad tractandum cum prælatis, magnatibus et aliis proceribus regni super negociis, pro quibus dictum parliamentum summonitum fuit, et ad consensendum hiis, que in eodem parlamento super negociis illis contigerit ordinari.* Rot. Parl. i. 189.

‡ *Ad tractandum, consulendum et ordinandum super negociis prædictis, quæ vobis et illis ibidem plenius ex parte nostra exponentur, et suum consilium et auxilium impendendum, necnon ad consensendum hiis, que tunc pro defensione et utilitate ecclesiæ et regni utrorumque, favente domino, contigerit ordinari.* Rot. Parl. ii. 450. On this account the clergy are sometimes said to have been in the parliament, though they really sat in convocation: which makes it difficult to determine at what period they ceased to attend conjointly with the lords and commons. The last time in which their presence can be inferred with certainty from the rolls was the year 1332, when they refused to take into consideration one of the subjects proposed by the king, because it had no relation to the church. Rot. Parl. ii. 64.

The lords. 2. The second estate, "the great men of the land," as they are always styled in the rolls,* might be divided into three classes. The first comprised all those who held by barony of the crown, and whose ancestors or predecessors had invariably been summoned to parliament. They answered to the greater barons of former times: and were subdivided into spiritual and temporal peers, consisting of all the bishops, earls, and barons, several abbots, and a few priors. In the second class were such of the knights bannerets, men of wealth and influence, as the king chose to summon to any particular parliament. It is a question of great obscurity: but to me it appears that both held lands by baronial tenure, and that the great distinction between them consisted in this, that the lords of the first class were always, those of the second occasionally, summoned.† To these must be added the judges of the king's courts, and the ordinary members of the king's council, whose presence was required to give him advice, and to pronounce on points of law. They were numbered among the great men, and at this period appear to have deliberated, voted, and assented with the same authority as any of their colleagues.‡

The commons. 3. The third estate, "the little men of the commons,"§ was composed of two orders, the knights of the shire, and the representatives of the cities and boroughs. The knights, seventy-four in number,|| were entitled to respect, both from their own rank, and the rank, property, and number of

* Les grauntz de la terre. Rolls passim.

† I conceive they are so described by the commons in a petition, in which, speaking of the upper house, to the prelates, earls, and barons, they add tieles qui teignent par baronie, et queux sont et seront somonez par brief. Ibid. ii. 368. It appears from Prynne (Reg. i. 232) that many were never summoned more than once, some oftener, some during a whole reign, others during their whole lives. When the summons was continued to their heirs, they appear to have become barons by prescription. A notion has been entertained that the barons are distinguished on the rolls by the title of seigneur or sire, the bannerets by that of monsire. But in reality the two titles are perpetually confounded. Thus (Rot. Parl. ii. 61) we meet with mons' Henr' de Beaumont, mons' Henry de Percy, who in a few lines afterwards are called les siegneurs de Beaumont et de Percy. See also p. 65. 68, 69. 110. 112. 118.

‡ Thus we find them appointed with other lords on committees (Ibid. 61. 113,) granting aids (asentu et accorde par et touz les justices de l'Engleterre, p. 103,) mentioned indiscriminately with the others in the list of the peers present (p. 118,) and giving their assent with the other lords to the petition of the commons, p. 154.

§ Les petitz de la commune. Ibid. 104.

|| The number at first was not fixed. In 1325 Edward required but one representative from each shire, on account of the harvest: ut homines ab ista

their constituents. In every contest with the crown they bore the brunt of the battle: and to their courage and perseverance the people of England are indebted for the better part of their liberties. They were chosen, or supposed to be chosen, in the court of the county: but from the moment that their importance was discovered, both the crown and the more powerful lords began to interfere in the elections, and sought to secure the interest of the sheriff, who, confident of impunity, frequently returned whom he pleased, sometimes of his own authority returned himself.* The representatives of the cities and boroughs were resident inhabitants chosen by their fellow citizens and burgesses.† Their number varied annually.

Citizens
and bur-
gesses.

The crown was satisfied with a competent attendance: and the sheriffs, though they were careful to forward writs to the more opulent towns, excluded or admitted the others according to their own judgment or caprice.‡ This class of members, as it consisted wholly of merchants and tradesmen, was to the great men of the land an object of contempt. They had, however, the wisdom to make common cause with the knights: on every occasion of difficulty they lent to the latter the aid of their numbers: and in the course of a few years the two orders were so blended together, that every distinction between them was abolished. Both at their election were compelled to find sureties for the performance of their duty:§ both at their return home were entitled to a salary for the time of their service.|| The wages of a knight were four, of a citizen or burgess two shillings per day.¶ Hence it happened

occupatione autumnali, quo minus possumus, retrahamus. Brad. i. 158. Yet in 1376 the commons asserted that each county "of common right" (*de commun droit du Roialme*) ought to send two. Rot. Parl. ii. 368.

* Ibid. 310. † *Qi deivont eslire de eaux meismes tieles, qi dievont respondre pur eux.* Ibid. 368. Of the manner in which these elections were made we only know, that a few of the principal burgesses appeared in the sheriff's court, and informed him that they had chosen two representatives *de assensu totius communitatis*. 3 Prynne, 257. This may mean either that they announced to him the choice of the whole body, or that they had been empowered to make the choice in the name of the whole body.

‡ Brady on Boroughs, 310.

§ See the returns of sureties in Brady, i. 153.

|| The salaries were paid by the constituents. Hence arose a subject of controversy in the counties. It was agreed that lords of manors with their tenants both free and in villenage were bound to contribute towards these expenses: but that lords summoned to parliament by writ, together with their villeins, were exempt. The free tenants of such lords claimed the same exemption: and their claim was resisted by the rest of their county. Edward refused to decide the dispute, and ordered the ancient customs to be observed. Rym. vii. 134. Rot. Parl. ii. 258. 368.

¶ Ibid. 258. 441. 444.

that, while the more opulent boroughs were solicitous to send members to parliament, who might watch over their interests,* the poorer towns sought to decline the honour, that they might not be burdened with the expense. Several petitions to that purpose are still extant.†

Opening of
the parlia-
ment.

The parliament was seldom opened at the time mentioned in the summons: but was adjourned by proclamation till the majority of the members had arrived.‡ They assembled early in the morning:§ and in the presence of the king, or, if his absence were unavoidable, in that of the regent, or royal commissioner. One of the ministers, generally the chancellor, addressed them in a speech of some length, explaining the events which had occurred since the last session, enumerating the principal subjects proposed for their consideration, and displaying in strong colours the solicitude of the king for the peace and prosperity of his faithful people. Two committees and a clerk of parliament were then appointed. The duty of the committees was to hear and try the petitions which might be presented: of the clerk to record the transactions of the parliament, and to publish two proclamations in different parts of the city and suburbs. The first forbade any person, besides the king's officers and the guards for the preservation of the peace, to carry arms during the session; reserving, however, to the earls and barons the right of wearing their swords, except in the council and in the royal presence. The second prohibited in the neighbourhood of the palace, every kind of game, likely to interrupt the free access of those who had business at the parliament.||

* Ibid. i. 327.

† Ibid. ii. 459. Rym. vi. 502. 593.

‡ In general the attendance was not very full. Some of those who had, or might have been, summoned, were employed with the army, or in official situations abroad: others were detained at home by age or sickness: some had obtained leave of absence, and the lords occasionally sent their proxies. In the parliament summoned to meet at Carlisle, on the 21st of January, 1307, of 10 earls one was excused by the king, and one absent in Wales; of 76 barons and bannerets two were excused by the king, three by the justices, one was in Wales, and two sent their attornies; of 20 bishops one was excused, 10 sent proxies; of 48 abbots one was excused, 32 sent proxies, and two engaged by letter to assent to whatever might be determined. The freeholders of Shropshire, instead of representatives sent an attorney, ad consentiendum pro eisdem hiis, que fieri contingerent in isto parlamento et ad faciendum ulterius, &c. Rot. Parl. i. 188—191. The chancellor examined the powers of the proxies and attornies, and laid the names of the defaulters before the king, who had it in his power to punish them by fine. Ibid. i. 350. ii. 146, 147.

§ At the hour of prime. Ibid. ii. 316. At eight in the morning. Ibid. 321.

|| Ibid. ii. 126. 135, et passim. The games consisted in throwing bars

The opinion that the several estates sate and voted together, derives no support from the language of the rolls.* It is evident that as their grants, their petitions, and their interests were different, they would deliberate separately: and we find that the chancellor, after he had proposed to them in common the subjects for their consideration, pointed out to them different chambers, in which they should assemble to frame their answers, and decide on their petitions.† The clergy confined their attention to the concerns of the church: to the lords were submitted the higher interests of the state: and the commons were employed in matters of trade and commerce, as best suited to their habits and condition of life. It was long before the advice of the latter was required by the crown: and when Edward at last condescended to ask it, the sequel proved that it was to obtain a pretext to call upon them for money. They could not, he afterwards observed, refuse to aid him in the prosecution of those plans, into which he had been led by their advice. Taught by experience they sometimes declined the task. In 1347 he requested their opinion, and received the following answer. "Most dread lord, as to your war and the array of your army, we are so ignorant and simple that we cannot give you advice. We therefore beg your gracious lordship to excuse us, and with the advice of the great men, and of the sages of your council, to ordain what you may judge to be for your honour and the honour of your kingdom: and whatever shall be thus ordained with the agreement and consent of you, and of the great men aforesaid, we shall also approve, and hold to be firm and established."‡

Separation
of the three
estates.

In the language of the time the law was said to emanate from the will of the king, at the petition of the subject. But it seems to have been a principle universally recognised, that no one

Laws granted by the king at the prayer of

across the streets, pulling off the hoods or hats of the passengers, laying hold of them, &c. Ibid.

* The year assigned for their separation is 1339, when the commons refused to grant the same aid as the lords without instructions from their constituents. But it is evident that at that very time they deliberated separately (Rot. Parl. ii. 104): and we find them deliberating separately long before. Ibid. 64. 66. 69.

† Ibid. 136. 165. et passim.

‡ Ibid. 165. To give answers, and deliver addresses it was necessary to appoint a speaker. It has been said that sir Thomas Hungerford is the first upon record. In 1377 he avoist les paroles pur les communes. Ibid. 374. But I find sir William Trussel mentioned in the rolls thirty-four years earlier. Ibid. 136.

one estate,
with assent
of the other.

estate could, without its consent, be bound by any such law granted at the prayer of another. Before the dismissal of the parliament* the king called the members before him: the petitions of the clergy, the lords, and the commons were successively read: and the answers were given, which had been previously settled in the council. If the object of the petition was confined to the interests of the body which petitioned, the grant of the king was deemed sufficient: but if in any of its bearings it could affect the other estates, their assent was also required. In what manner they gave their assent, is unknown. Sometimes perhaps it was procured by previous communication between the different bodies: sometimes it might be signified by acclamation before the king. It should, however, be observed that the clergy, in pursuance of their resolution to abstain from all interference in secular matters, seldom, perhaps never, gave their assent to the petitions of the lords or commons. If they found themselves aggrieved, they prayed for redress in the next parliament.

Commons
refuse to be
bound with-
out their
assent.

The principle, which has just been described, was the chief weapon with which the commons fought all their battles. To every unjust imposition, every oppressive ordinance, they opposed the unanswerable argument that their assent was necessary to render it legal. In 1346 Edward, by proclamation, compelled every owner of land to furnish horsemen and archers in proportion to his estate, and required for the same purpose a certain sum of money from every city and borough. The commons petitioned against the ordinance, on the ground that it had been issued without their assent. Edward replied, that it was a measure of necessity, and had been adopted by the advice and with the consent of the lords. They renewed their petition, and repeated their argument. The king promised that the ordinance should not form a precedent for future exaction. Still they were not satisfied, but added remonstrance to remonstrance, till it was at last enacted that ordinances of that description issued without the common consent of parliament, should be deemed contrary to the liberties of the realm.† In the same spirit they required and obtained a

* The two houses were often dismissed at different times, as soon as they had finished the business allotted to them. Sometimes the knights of shires were dismissed, and the citizens and burgesses were detained. Ibid. 64. 69. 310. The form of dismissal seems to indicate that they were still liable to serve again when called upon. Rot. Parl. i. 159. There are also instances in which they were required to attend a second time. Brad. i. 152. 157.

† Ibid. 160. 166. 170. 239.

declaration that no petition of the clergy should be granted till the council had ascertained that its provisions would not be prejudicial to the rights of the lords or commons.* But when they asked in addition that no statute or ordinance should be made at the prayer of the clergy without the previous assent of the commons, stating as a reason that the clergy would observe no statute made without their assent at the sole prayer of the commons, the request was dismissed with a qualified refusal.†

The reader, however, is not to suppose that because the petition was granted, the object of the petitioners had been obtained. Much still remained to be done. It was first to be moulded into the form of a statute or ordinance by the clerks in chancery,‡ and then to be sent by royal authority to the judges, sheriffs, coroners, and other royal officers. But the king, satisfied with the aid which he had obtained, dismissed the parliament, and thought little of the petitions which he had granted. Sometimes they were entirely forgotten: at others they were formed into statutes, but never published: often they were so altered in the principal provisions as not to reach the grievance, which they were originally designed to abolish. As a remedy for this abuse, the commons began to require that the more important of their petitions should be put into proper form, and published during the parliament in the presence of the king, and before the two houses. They could then appeal to them as matters of record; and if they were not observed by the royal officers, could inquire into the cause in the next session.§ To this petition, though it seems to have been acted upon, no answer appears on the rolls. It was at the best an inadequate remedy: and the commons had yearly to complain that though statutes were made, they were seldom carried into execution.|| The king moreover claimed the right of amending them afterwards, with the advice of his council.¶ But a check was given to the exercise of this claim in 1354. The ordinances of the staple were then confirmed in parliament: and at the same time it was enacted that no

Procure the execution of statutes.

* Ibid. 149.

† Ibid. Hence perhaps we may infer that the clergy did sometimes give their assent to the petitions of the commons: but no trace of such practice appears on the rolls.

‡ A distinction was made between an ordinance and a statute. The former seems to have been considered of temporary, the latter of perpetual obligation. Many statutes were at first passed as ordinances for an experiment of their utility, and afterwards enacted as statutes. Ibid. 252. 280.

§ Ibid. 165. 201.

|| Ibid. 265. et passim.

¶ Ibid. 241.

alteration or addition should be made in time to come without the assent of the two houses.*

Judicial
duties of
the peers.

The commons, from their situation in life, were best acquainted with the wants and the grievances of the nation; and while they were employed in originating new statutes, or soliciting the execution of the old, the lords, according to ancient custom, devoted themselves to the exercise of their judicial duties, compromising the disputes among their own members, examining the cases of individuals who complained of oppression, and determining those points of law, on which the judges had not dared to pronounce of their own authority in the king's court. The number of petitions on these subjects, presented in the more early parliaments, is enormous: towards the close of Edward's reign they seem to have diminished. But in 1372 a singular species of fraud was discovered. Attornies and barristers practising in the courts of law, procured themselves to be returned knights of the shire, and improved the opportunity to introduce the cases of their clients among the petitions, which were presented to the king in the name of the lower house. To correct the abuse, it was enacted that no practising lawyer should for the future be chosen knight of the shire, and that, if any such lawyer had been returned for that parliament, he should forfeit his wages.†

System of
taxation.

IV. The reader will recollect the concession, which was extorted from the necessities of the first Edward by the firmness of archbishop Winchelsey, and the earls of Hereford and Norfolk. From that period it became illegal to levy an aid, or impose a tallage by the sole authority of the sovereign. Neither of his successors was disposed to recognise a statute, which made them dependent on the bounty of their subjects: nor did they hesitate occasionally to raise money in defiance of its provisions. But, if the wars of the third Edward were in many respects calamitous both to foreigners and natives, in one they proved highly advantageous to the people of this kingdom. They compelled him annually to solicit an aid: on the one hand the jealousy with which the two houses viewed his claim of im-

‡ Ibid. 257.

† Ibid. 310. Instead of parliaments, the king sometimes called a great council of certain prelates, barons, and even commons. In this the proceedings were the same as in parliament: but the ordinances which they made were not supposed to possess the same force as ordinances or statutes made in parliament. At other times he would convene an assembly of merchants, or mariners, and with their advice publish ordinances to be observed under the penalties of forfeiture and imprisonment. Ibid. i. 455. ii. 107. 120. 456. Rym. v. 232. 405. 548. vi. 639.

posing tallages, induced them to be more liberal in their grants: on the other their liberality rendered him less anxious to exercise his claim: and thus, during the course of a long reign, was firmly established the *practice* of what before was the *law*, the right of the people to tax themselves. Edward, to defray the enormous expenses of his wars, had recourse to every expedient, which the ingenuity of his ministers could devise. Sometimes he pawned the jewels of the crown: frequently he extorted forced loans or gifts from the most opulent of the clergy:* once he seized all the tin which had been wrought during the year in Cornwall, giving to the owners security for the payment at the end of two years.† On none of these occasions does the parliament appear to have interfered: but when in 1332 he imposed on all cities, boroughs, and ancient demesnes of the crown, a tallage amounting to a fifteenth of the moveables, and a tenth of the rents, the two houses granted him a legal aid, on condition that the tallage should be withdrawn.‡ In 1339 he renewed the maltolte, the tax on wool, which had raised so loud an outcry against the tyranny of his grandfather. Both lords and commons petitioned against it, because it had been imposed without their consent, and it was enacted by statute, that for the future no more than the ancient duty should be levied.§ But Edward three years later having secured the concurrence of the lords, assembled a council of merchants, and obtained from them the grant of forty shillings on every sack of wool, which should be exported. It seems to have been contended that this duty did not concern the commons, because it would fall on the foreign purchaser: but they took the first opportunity to remonstrate, on the ground that it actually fell on the vender: as the merchant now refused to give the accustomed price, on account of the additional duty. Edward, however, was resolute. He replied that the duty was mortgaged to his creditors, and must continue: but that, as it had been granted for two years only, he would not revive it.|| Indeed, nothing

* See for forced gifts from forty shillings to 100 pounds, Rym. iv. 543—553. 563.—For a forced loan of 7000*l.* Id. v. 347.—Another of twice that amount, Id. v. 491, 492.—A third, Id. v. 577. 583.

† Id. v. 39. All who refused, or concealed their tin, are termed rebels in the writ, and ordered to be punished by imprisonment and forfeiture.

‡ Rot. Parl. ii. 66. 446, 447.

§ Ibid. 104, 105. Stat. vol. x. App. 34.

|| It was continued in all five years from 1343 to 1348. Ibid. 140. 161. 201. In their grant of the last year the commons added as two conditions, that it should cease entirely at Michaelmas, and that in time to come no imposition, tallage, or charge by loan or in any other manner should be made by the king's privy council, without their grant and assent in parliament. Ibid.

could induce him to renounce in express terms the right which he claimed. When he revoked the tallage mentioned above, he promised never to impose another, "except in the manner that had been done by his ancestors, and as he might reasonably do."* And within a few weeks of his death to a request, that no common aid or charge should be imposed without the assent of the two houses in full parliament, he replied that it was not his intention to do it, unless in time of great necessity, for the defence of the realm, and when it might reasonably be done.†

Manner of
levying
tenths and
fifteenths.

I. The most ancient method of raising a supply was by a tallage on moveable property, varying according to circumstances from a thirtieth to a seventh: and it is interesting to observe how rapidly the art of taxation was improved in every succeeding reign. Under John each individual was permitted to swear to the value of his own property, and the bailiffs of prelates, earls, and barons, swore in the place of their lords. The oaths were received by the itinerant justices, who for that purpose proceeded regularly from hundred to hundred: and according to the returns of the justices the tax in its due proportion was levied by the sheriffs. By Henry III. every man was compelled to swear not only to the amount of his own moveables, but to that of the moveables belonging to his two next neighbours: and if any of these differed from the others in opinion, the truth was inquired into by a jury of twelve good men of the county. The commissioners were not the justices, but four knights appointed by the justices: and they were instructed to inquire into the value of every species of personalty with the exception of church-ornaments, books, horses, arms, gold, silver, jewels, furniture, the contents of the cellar and larder, and hay and forage for private use. Under the Edwards the commissioners were appointed immediately by the crown. They called before them the principal inhabitants of each township, and bound them by oath to inquire into the value of the moveables possessed by each householder on the day mentioned in the act, which was generally the feast of St. Michael. By moveables they were to understand not only corn, cattle, and merchandise, but money, fuel, furniture, and wearing apparel: and if any such articles had been sold, removed, or destroyed, since the day specified, they were yet to include them in the amount. The exceptions allowed were few. The knights and esquires did not return their armour, horses, or equipments, their plate of gold, silver, or

* Ibid. 66.

† Ibid. 366.

brass, their clothes or jewels, or those which belonged to their wives: and persons of inferior rank were exempted from payment for one suit of clothes for the husband, and another for the wife, one bed, one ring, a clasp of gold or silver, a silk sash or girdle for daily use, and a cup of silver or porcelain. It is evident that in these inquiries, as the temptation was great, so also were the means of concealment. But the ingenuity of the commissioners kept pace with the artifices of the defaulters: each year new regulations were issued from the exchequer: and sometimes within a short period the amount of the tax from the same township was nearly doubled.* This growing evil occasioned numerous remonstrances. The people complained that the collectors entered their houses, and searched every apartment:† that they defrauded the king, and that they received bribes to spare some, while at the same time through pique and resentment they aggrieved others. In 1334 the parliament had granted a tenth from the cities, boroughs, and ancient demesnes: with a fifteenth from the rest of the kingdom: and Edward, to remove all cause of discontent, appointed commissioners in every county with powers to compound at once for a certain sum with the several

* Rot. Parl. i. 227. 239—242. 450, 451. ii. 447. The assessments for the borough of Colchester in the years 1296 and 1301 are still extant. (Ibid. i. 228—238. 243—265.) The reader will see how expert the commissioners had become in the short space of five years. The following instance is taken at random: but the same difference is observable in all. The value of the moveables of William Miller:—

At Michaelmas, 1296:

	s.	d.
1 quarter of wheat	3	6
1 ditto of oats	2	0
1 pig	2	0
	<hr/>	
	7	6

At Michaelmas, 1301:—

	s.	d.		s.	d.
Money	13	4	A seat	0	4
A silver clasp	0	9	A quarter of wheat	4	0
A ring	1	0	Ditto of barley	3	0
A suit of clothes	10	0	2 ditto of malt	4	0
A bed	3	0	2 hogs	10	0
A mappa	0	9	2 pigs	3	0
A towel	0	6	1 lb. of wool	3	0
A pot of brass	2	0	Faggots	2	6
A dish ditto	1	0		<hr/>	
A cup ditto	0	8		£ 3	3 4
Andirons	0	6			

† In the returns are carefully mentioned the very rooms in which the different articles were found. Ibid.

townships. The arrangement gave universal satisfaction. In subsequent years the subsidies were calculated from the compositions of 1334; and the different quotas were raised by private assessments among the inhabitants themselves.*

2. But in addition to tallages the financiers of the age had discovered several other methods of raising money.

Duties on
wool.

The duty on the exportation of wool and hides furnished a plentiful source of revenue. By ancient custom the king's officers levied in the outports half a mark on every sack of wool, the same sum on three hundred wool-fells, and a whole mark on the last of hides.† But Edward, by the illegal imposition of the maltolte, had proved that these articles could bear a considerable increase of duty, which would fall, it was contended, not on the native merchant, but on the foreign consumer: and when the second war with France demanded extraordinary exertions, the custom was annually raised by parliamentary authority, till in the course of seven years it had reached to fifty shillings on the sack of wool, the same sum on twelve-score wool-fells, and five pounds and a mark on the last of hides.‡

Tonnage
and
poundage.

the king also received the duty afterwards known by the appellation of tonnage and poundage, of two shillings on every ton of wine imported, and of sixpence on every pound of goods imported or exported. It was granted on condition that he should keep a fleet at sea for the protection of commerce, and was at first voted from year to year, not by the two houses of parliament, but by the citizens and burgesses, who alone were concerned in the pursuits of trade.§ Soon, however, it was discovered that the new duty, as far as it regarded imports, was paid in reality by the consumers: and the lords and commons, in-

* Ibid. ii. 447, 448. This was effected by inserting in all its subsequent grants a condition, that the subsidy should be levied in the same manner as the last, and without increase. *A lever en la manere comme la darreine quinzisme feust levee, et ne mye en autre manere.* Ibid. 148. *Saunz nul encesce.* Ibid. 159.

† To give an advantage to the English over the foreign merchant, wherever the former paid a mark, the latter paid a pound. Ibid. 273.

‡ Foreigners instead of 2*l.* 10*s.* paid 3*l.* 6*s.* 8*d.*—and instead of 5*l.* 13*s.* 4*d.* the sum of 6*l.* 6*s.* 8*d.* (Ibid. 300.) The sack of wool contained 26 stone, or 364 pounds (Ibid. 142.) It differed greatly in quality and price. In 1343 the parliament raised the price 50 per cent., when the best wool, or that of Shropshire and Lincoln, sold for 14 marks the sack, exclusive of the duty, and the worst, or that of Cornwall, at no more than 4 marks. Ibid. 138. Hence it appears that there is a mistake in the estimate of the goods of William Miller mentioned before. Probably for 1*lb.* we should read 1 stone—petra not libra.

§ Ibid. 310.

stead of petitioning against it, as they had done against the maltolte, made it legal by granting it themselves.*

4. In 1371 the clergy voted a supply to the king of fifty thousand pounds, to be levied on their benefices: and the laity an equal sum, to be raised by assessment on the different parishes. Taking the number of parishes to be forty-five thousand, it was calculated that the charge on each would amount to the average sum of twenty-two shillings and threepence. The parliament was dismissed: but, when the returns were made, it was found, that the number of parishes was not much more than eight thousand six hundred, and the sum raised would not exceed ten thousand pounds. To repair the error the king summoned a great council, composed of a certain proportion of lords and prelates, and one of the two members, who sate in the last parliament as representatives of each county, city, and borough. In the writs which he issued on the occasion, he named the persons, whose presence he required, and observed, that if he did not summon a full parliament, it was to relieve his people from a part of the additional expense. This council acted, however, with all the authority of a legitimate parliament. The returns of the bishops and sheriffs were examined: a new calculation was made: the rate was raised to one hundred and sixteen shillings per parish; collectors were named by the knights of the shires: and over them were appointed surveyors to inspect their proceedings.† It is singular that an assembly, consisting of the most intelligent persons in the kingdom, should have adopted so erroneous a calculation: but the fact may teach us to doubt the accuracy of some of their other statements, respecting the overgrown opulence of the clergy, and the enormous sums said to be drawn from England by the court of Rome.

Tax on
parishes.

Constitu-
tion of the
army.

V. By these and similar expedients the king was enabled to maintain the armies, which were so long a terror of France, and which raised to so high a pitch the military renown of the nation. The feudal constitution, as it had been settled by the first William, was adopted to the purpose of defence, but unfavourable to projects of conquest. The king could indeed summon to his standard all the male population of the country, but the exercise of this right was lawful only in actual danger of invasion: he could compel his tenants to follow him to foreign war with a number of horsemen proportionate to the

* Ibid. 317.

† Rot. Parl. ii. 304. Brady, i. 161.

number of knights' fees which they held of the crown: but the obligation of service was limited to forty days, too short a space for operations which were to be conducted on a great scale, and in a distant country. Hence former kings, in their wars in France, had been willing to accept of pecuniary aids instead of personal attendance; and to raise armies of mercenaries both from their own subjects, and foreign adventurers. The passion for the crusades gave a wider extension to this system: which was again restricted as the crown grew more and more impoverished under Richard, John, and Henry III. The Edwards appear to have followed no uniform plan, but to have raised their armies in such manner as circumstances suggested. Sometimes they acted with, sometimes without the previous advice of their parliament. Occasionally they issued letters to their military tenants, soliciting their services as a favour rather than a duty, and *praying* them to bring into the field all the forces it was in their power to raise.* On other occasions they *summoned* them to join the royal standard on a certain day, with a denunciation of punishment against the defaulters. The writs were intrusted in the first place to the care of the sheriff, who sent a copy to each individual in the county, holding by barony of the crown, and for the information of the lesser tenants ordered proclamation to be made in all the courts, fairs, and markets.† The laity were commanded to attend personally, and to bring with them the number of men specified in their tenures, with an exception in favour of the aged and infirm, who were permitted to serve by substitutes:‡ the clergy and females received orders to send the whole service which they owed:§ and both were generally excused, if they preferred to pay the accustomed fine.|| It was the duty of the constable and marshal to array them as soon as they arrived, and to take care that no fraud was committed in the number of men, or the state of their equipment. But in addition to these two methods of raising forces, in the wars for the subjugation both of Scotland and France, mercenary armies were requisite: and we find the king entering into contracts for voluntary

Summons
of military
tenants.

Mercena-
ries.

* Rym. ii. 783. iii. 531.

† Rym. iii. 562.

‡ *Intersitis cum servitio nobis debito.* Rym. ii. 73. *Qui ad portandum arma potentes non existunt, tales ad diem et locum prædictos ad servitium suum nobis debitum pro ipsis faciendum transmittant, quales ad illud faciendum ydoneos esse constat.* Rym. ii. 75.

§ *Dictis die et loco habeatis servitium nobis debitum paratum ad proficiscendum nobiscum.* Ibid. p. 74. 76. See also ii. 767. iii. 148. 464.

| Rym. ii. 650.

service with barons and knights, who engaged to furnish a certain number of men during a given period.

Their wages, which were to be paid a quarter of a year in advance, must appear enormous, if we consider the relative value of money in those and the present times: eight shillings or six and eight pence per day to an earl or baron, four to a banneret, two to a knight, one to an esquire or man at arms, and sixpence to an archer on horseback. The horses were valued as soon as the men joined their standard; and if they perished during the campaign, were to be replaced or paid for by the king. It was stipulated that prisoners, whose ransom did not amount to five hundred pounds should remain with the captors: all others should be yielded to the king for a reasonable consideration.*

The duties of the military tenants of the crown could be easily ascertained from their tenures, and to have exacted from them services to which they were not obliged, might have proved a dangerous experiment. But the liberties of the lower orders were ill defined: their resistance was less to be feared; and from them the king purveyed men for his armies with as little ceremony as he took provisions for his household, or provender for his horses. On the principle that whoever had taken an oath of fealty to the king, was bound to risk his life in the defence of the country, they had been divided into classes according to their respective property, were compelled twice in the year to appear completely armed before the constables of the hundred, and might at any time be called out and arrayed by officers appointed by the king.† It was indeed understood that they were not to be marched out of their own county except in case of invasion: but pretexts were easily invented to excuse or justify the violation of that privilege. Whenever an army was wanted for the invasion of Wales or Scotland, they were told that it was better to fight in the territory of the enemy, than to wait till that enemy had crossed the borders, and lighted up the flames of war in their own country. Soon the same reasoning was applied to the expeditions against France. The French it was said had conspired to abolish the English name: they had already entered the king's territories on the continent: they were preparing to land a powerful army in England: if then the king's lieges wished to save themselves from subjection, they must cross the sea,

Their pay.

Forced
levies.

* See the indentures, and orders for payment in Rymer, v. 325. 327. 330. 450. 545.

† Under the penalty of culvertag (culvert a turn-tail) that is, perpetual slavery. Matt. Paris, 196. Rym. iv. 687.

and inflict on the enemy the very calamities with which they had been threatened.* On such occasions, however, it was necessary to make a selection: otherwise the multitude of the combatants must have produced scarcity, insubordination, and defeat. Sometimes all the men of a few counties contiguous to the scene of war, were called out;† more frequently a certain number was demanded: and officers were appointed to choose the strongest and the most opulent in each class.‡ In 1282 Edward ordered the sheriffs to send to the army in Wales every man, whose income was rated at more than twenty pounds per annum:§ in 1297 he summoned all of the same class to join him on horseback, and accompany him in his expedition to Flanders.|| Edward II. in 1324 sent commissioners into every county with the most ample powers to raise forces for his intended expedition against France. They were empowered to inquire, with the aid of a jury, or by any other means, the names of all the men at arms within the shire: to array all without exception whom they judged proper for the service: and to send a faithful return of every particular to the officers of the royal wardrobe. At the same time it was made known by proclamation, that if any person were convicted of having offered a present to the commissioners, he should forfeit eighty times, the receiver one hundred and sixty times, its value.¶ In like manner when Edward III. in 1346 prepared for the expedition which had been rendered so famous in the history by the victory of Creci, he summoned every man at arms in the kingdom, if he were in good health, to attend personally; if he were not, to send a substitute: and ordered all, who possessed lands of the yearly value of five pounds or more, to furnish men at arms, hoblers, and archers in proportion to their income.** On all these occasions, if we may judge from the language of the writs, the levy was conducted in the most arbitrary manner: the selection, when it was made, depended on the caprice or the partiality of the arrayers: and every disobedience was instantly

* Among many instances, see Rym. v. 489. vi. 614.

† Rym. iii. 548. 554. v. 828.

‡ Id. iii. 157. 481. 775. 784. iv. 114. 534. v. 829. *De validioribus et potentioribus. Des meilleurs, et plus vaillauntz, et plus soeffisauntz.* In all such cases they were to be paid by the king. *Ad vadia nostra.* The writs give to the commissioners the authority to "choose and try." I suspect, however, that the number of men was first assessed on the different townships, and the men furnished by them were received or rejected by the arrayers.

§ Rot. Wall. 11 Ed. I. apud Brad. iii. 3.

|| Rym. ii. 767.

¶ Rym. iv. 107, 108.

** Id. v. 489, 490. Rot. Parl. ii. 160. 170.

punished with forfeiture and imprisonment. Of these grievances the commons frequently complained: and to appease them it was enacted that no man should be compelled to serve against his will; or to find archers, hoblers, or men at arms, unless he were bound by his tenure; or to march out of his own county, unless in case of actual invasion.* But Edward seldom respected these statutes: he always justified himself by the plea of necessity: and the commons were compelled to be content with a promise that the past should not be drawn into precedent for the future. The law had provided that men raised in this manner should be paid by the king from the time of their leaving their homes: but it appears that they were frequently removed at the expense of the shire, another grievance, the subject of much, but fruitless complaint.†

When the army had assembled, it was found to consist of four principal descriptions of force.

Men at
arms.

I. The men at arms, the first in importance and dignity, were heavy cavalry, covered, or more properly encumbered, with armour of iron from head to foot, bearing a shield for defence, and employing as offensive weapons the lance, the sword, and the battle-axe, or the mace. They comprised the knights, with their esquires and followers. Every man possessed of a knight's fee, or of land of the yearly value of fifty pounds, was by law compellable to receive the honour of knighthood.‡ To the more opulent and aspiring it was an object of ambition: they generally sought it at the hands of the general, in the field of battle, and in sight of both armies: and immediately, to give proof of their valour, hastened to the post of greatest danger, or engaged in some hopeless or romantic expedition. But there were many with smaller fortunes or more quiet dispositions, who shrunk from it as a burden. It was, however, difficult to escape the inquiries of the royal officers: writs were issued from time to time to ascertain the income of all the free tenants in each county: and every individual, whom the law declared liable, was compelled by distress to receive the distinction of knighthood. He thus became a knight bachelor; appeared in the field accompanied by esquires and followers accoutred like himself; and, if he were equal to the expense, might bear his pennon, a long narrow ensign terminating in a point. But, if he were

* Rot. Parl. ii. 8. 11. 239. Statutes at large, 1 Ed. III. c. 4. 25 Ed. III. Stat. 5. c. 8.

† Rot. Parl. ii. 149.

‡ Fifty pounds are generally mentioned in the writs: but that of the 20th of Ed. I. restrains the sum to 40*l*. Rot. Parl. i. 79. As does the statute of the 1st of Ed. II. Stat. at large, 1 Ed. II.

sufficiently opulent to retain not only esquires, but knights in his service, he might with the approbation of the prince display a square banner, and assume the name and honour of a banneret. This distinction belonged of course to earls and barons, who possessed several knights' fees: but as it was exclusively attached to the dignity of knighthood, they were forbidden to unfurl their banners, till they had been admitted into the order.

Hoblers.

2. The hoblers were another description of cavalry, more lightly armed, and taken from the class of men rated at fifteen pounds and upwards. They were mounted on inferior horses, and equipped according to the provisions of the statute of Winchester. In the armies which invaded Scotland, they formed a considerable force: in the expeditions to France, they were less numerous.*

Archers.

3. From the names recorded in Domesday, it appears that archery was a favourite exercise among the Anglo-Saxons: and there is sufficient evidence that for some centuries after the conquest, both the long bow and cross-bow were employed as offensive weapons in the hands of the foot soldiers.† Under the Edwards the superiority of the former was fully established. The average length of the bow was six feet, of the arrow half the length of the bow. The English archer used it vertically, drew the arrow not to the breast but to the ear, and could send it with good aim to the distance of twelve score yards.‡ That the victories gained by the English during the reign of Edward III. were owing to the use of this destructive weapon, is asserted by contemporary writers, and partially acknowledged by the king himself.§ Proclamation was made that all persons should practise archery on the holidays out of the hours of divine service: and every game, which might withdraw their attention from that exercise, was strictly forbidden.¶ In battle the

* Rym. iv. 115, 534. vi. 615.

† In the most ancient assize of arms of the 36th of Henry III. footmen out of the forests are to have bows and arrows, in the forests bows and bolts. Mat. Paris, post adver.—In the summons of the 48th of the same king each township is ordered to send a certain number of foot soldiers armed with lances, *bows and arrows*, swords, *cross-bows*, and hatchets. Apud Brad. ii. 241. The first of these authorities seems to show that the cross-bow was peculiar to the inhabitants of the forests.

‡ No one was allowed to shoot at a mark under eleven score. 33 Hen. VIII. c. 9.

§ Froiss. ii. 128. 160. Unde toti regno nostro honorem et commodum, nobis in actibus nostris guerrinis subventionem non modicam dinoscitur provenisse. Rym. vi. 417.

¶ The forbidden games were coits, hand-ball, foot-ball, stick-ball, canibuca, and cock-fighting. Rym. ibid. et 468.

archers were drawn up in open lines, one behind the other, so as to resemble in some measure the form of the spikes in a portcullis or harrow.* They necessarily fought on foot: but from the moment their importance became known, every knight was anxious to mount a few of them on horseback, that they might accompany him in all his expeditions, and employ their skill in his favour. Edward himself had a body guard of one hundred and twenty, selected from the strongest men in the kingdom.†

4. In the last place came the rest of the foot soldiers. In general levies they were provided with arms according to the provisions of the assize: but when a small number only was demanded from each county, they were all furnished with skull caps, quilted jackets, and iron gloves.‡ Among them was constantly a large proportion of Welshmen, armed with lances, and dressed in uniform at the king's expense. These proved of great utility, wherever the country was mountainous, and ill adapted to the operations of cavalry.§

When the king summoned his military tenants, the earl constable and earl mareschal held the principal commands under the sovereign: but in armies raised by contract, he appointed two or more mareschals, whose duty it was to array the forces, and to direct their movements. The officers, who undertook the charge of the cavalry, were called constables: the infantry was divided and subdivided into thousands, hundreds, and twenties, commanded by their respective leaders, centenars, and vintenars.||

* Froiss. ii. 128. 158.

† Rym. v. 856. vi. 617.

‡ Id. iii. 784.

§ Id. iv. 803. v. 9. vi. 508.

|| The muster-roll of the army which besieged Calais is still extant, and will give the reader an exact insight into the composition of an English army. Under the king were,

	£	s.	d.
The prince of Wales at <i>per day</i> , - - - - -	1	0	0
The bishop of Durham - - - - -	0	6	8
13 earls, each - - - - -	0	6	8
44 barons and bannerets - - - - -	0	4	0
1046 knights - - - - -	0	2	0
4022 esquires, constables, centenars and leaders - - - - -	0	1	0
5104 vintenars, and archers on horseback - - - - -	0	0	6
335 pauncenars - - - - -	0	0	6
500 hoblers - - - - -	0	0	6
15,480 archers on foot - - - - -	0	0	3
314 masons, carpenters, smiths, engineers, tent-makers, miners, armourers, gunners, and artillery men, at 12d. 10d. 6d. and 3d.			

VI. On one occasion Edward made it his boast, that his predecessors had always possessed the dominion of the seas between England and France.* The fleet by which this superiority had been obtained and preserved, consisted of a few galleys and other ships belonging to the crown;† of a squadron of fifty-seven sail which the cinque ports were compelled by charter to furnish as often as they were demanded by the king;‡ of a fleet of galleys supplied according to contract by Genoese adventurers;§ and lastly, of the merchantmen belonging to the different ports. For at this period the same vessel served alternately for the purposes of commerce and war: and a large ship, after having discharged its cargo, and taken on board a complement of forty mariners, forty armed men, and sixty archers, was equal to meet any enemy.|| The king claimed the right of purveyance of ships as well as of other articles. As occasion required, he issued orders for the seizure of a certain number of vessels, sometimes of all that could be found in any of the English harbours: and at the same time appointed commissioners to press mariners and others into his service, till they had collected a sufficient number to man them.¶ Thus he was enabled to procure conveyance for the armies, which he transported to the continent: and on one occasion he left England with a fleet of eleven hundred sail of different descriptions. But it was not only in the time of war that the owners found that their ships lay at the king's mercy. As often as any of his family or servants crossed the sea, vessels were forcibly impressed for their passage:** even when the bishop of Durham came to the parliament in London, the king's officers seized for the transport of his servants and provisions three ships in the ports of Newcastle and Hartlepool.†† It is true that on all

	£	s.	d.
4474 Welsh foot, of whom 200 vintenars, at	0	0	4
The rest at	0	0	2
Total, 31,294 men, besides the lords, and 16,000 mariners in 700 ships and boats. Brady. iii. App. No. 92.			

* Progenitores nostri reges Angliæ domini maris et transmarini passagii totis præteritis temporibus extiterunt. Rym. iv. 722. La navie, say the commons, estoit si noble, et si plentinueuse, que touz les pays tenoient et appelloient notre Sr le Roi de la mier. Rot. Parl. ii. 311.

† Id. iv. 730. v. 619.

‡ Id. iii. 478. 1012. iv. 283.

§ Id. iii. 604. iv. 710. v. 560.

|| Id. vi. 167. The armed men and archers were paid as usual. The mariners received 3d. per day.

¶ Rym. iii. 211. 429. 950. v. 4. 84. 232. 242. 282. 300. 563. 816. vi. 716.

** Id. v. 304. 838. 599. 615. 729. vi. 590. vii. 48.

†† Id. v. 778.

these occasions, the owners were paid the usual charges:* but such interruptions of trade were prejudicial to the merchants, and before the close of the king's reign, the shipping of England had considerably decreased.†

In time of war it was customary to forbid the captains of traders to sail without convoy under the penalty of forfeiting their goods and chattels. On one occasion a general embargo was laid on all the ports in the nation: and no vessel was permitted to sail, till the owner had given security that it should carry provisions to the army in Scotland.‡

As soon as the fleet was collected, it was placed under the command of an officer named the admiral, and appointed by the crown. If it were numerous, it was divided into two squadrons, one of which comprised all the ships belonging to the ports north of the mouth of the Thames, the other all those which came from the ports to the south or west of the same river. Each was intrusted to the care of an admiral invested with the most extensive powers to enforce discipline and punish offenders. § Of the prizes which were taken, the ships belonged to the king: the cargo and the prisoners were divided between him and the captors. || In what proportion this division was made is uncertain: but according to the agreement with the adventurers from Genoa, both were to share alike. ¶ In 1357, a curious case was brought before the king for decision. A French squadron, which had plundered some Portuguese merchantmen, fell in with the English fleet, and was captured. The ships were condemned as prizes: but the original owners reclaiming their goods, the cause was argued in the court of the admiral, and the demand was refused. Dissatisfied with this judgment, they appealed to the king in council, under the plea that, by a late treaty between the two crowns, Portuguese property was to be protected even in an enemy's vessel. But Edward confirmed the judgment of the admiral, and in a letter to the king of Portugal observed, that, had the goods been shipped on board the French vessels by the owners, they would have come under the provision in the treaty: but that having been captured by the enemy, they had ceased to be Portuguese property, and of course could not be claimed by the original proprietors. **

* The charge for a large ship from Dover to Calais was 3*l.* 3*s.* 4*d.*: for a smaller, 2*l.* 6*s.* 8*d.* Rym. vi. 590.

† Rot. Parl. ii. 311. iii. 5. 86.

‡ Rym. iv. 717. 723.

§ Id. iii. 475. iv. 71. 726—728. vi. 170. vii. 127.

|| Id. vii. 29.

¶ Id. vi. 762.

** Id. vi. 14.

Affairs of
the church.

Spiritual
and tem-
poral
courts.

VII. In this place I may direct the attention of the reader to the state of the English church during the fourteenth century. 1. The rivalry which has already been mentioned, still existed between the civil and ecclesiastical judicatures, and each continued to accuse the encroachments of the other. That their mutual complaints and recriminations were not unfounded, will appear probable, if we reflect that the limits of their authority had not been accurately defined, and that many causes had different bearings, under one of which it might belong to the cognizance of the spiritual, and under another to that of the civil judge. The latter, however, possessed an advantage which was refused to his rival, in the power of issuing prohibitions; by which he stayed the proceedings in the spiritual court, and called the parties to plead before himself. If we may believe the celebrated Grosseteste, these prohibitions, by the ingenuity of the lawyers, and the presumption of the judges, had been multiplied beyond all reasonable bounds: the cognizance of all kinds of causes was gradually withdrawn from the ecclesiastical tribunals; and the bishops and their officers were perpetually interrupted and harassed in the exercise of their undoubted jurisdiction. It was natural that the sovereign should uphold the pretensions of his own courts: but his necessities often forced him to lend an unwilling ear to the complaints of the clergy, who as often as they voted him an aid, were careful, like the commons, to make the grant depend on the redress of their grievances. By this expedient they extorted a few occasional indulgences. Edward II. allowed the spiritual courts to determine certain causes in defiance of lay prohibitions:* and Edward III. granted that clerks convicted of any other capital crime than treason, should be delivered to their ordinaries to be condemned by them to perpetual imprisonment and penance: the civil courts should be forbidden to inquire into the proceedings of the spiritual courts in causes notoriously within their jurisdiction; and that no prelate should be impleaded before the lay judges without the special command of the sovereign.†

Demands of
the popes.

2. The popes as supreme pastors continued to require pecuniary aids to enable them to conduct the government of the universal church; and the

* They are deadly sins, for which public penance was enjoined; the repairs and ornaments of churches; repairs of the walls of churchyards; tithes, if the demand do not exceed one-fourth of the value of the benefice; mortuaries; defamation; and perjury. Stat. 13 Ed. I. st. 4.

† Rot. Parl. ii. 151—153. 244. Stat. 18 Ed. III. st. 3.

people, in proportion as they were oppressed with taxes for the wars against Scotland and France, complained of the monies which were also raised towards the support of the court of Rome. The papal revenues in England arose from four principal sources. 1. Peter-pence had been established under the Anglo-Saxon princes, a tax of one penny on every householder, whose chattels were valued at thirty pence: and it had been settled on the popes as a voluntary donation towards the relief of the English pilgrims. It appears to have been fixed by custom at a certain, instead of an uncertain sum, which still remained the same after the lapse of five centuries, notwithstanding the great increase of the nation in wealth and the number of inhabitants. The pontiffs now wished it to be collected in the manner of the original grant: but the demand was strenuously and effectually resisted; and the aggregate sum paid by the prelates to the papal collector amounted to no more than two hundred pounds.* 2. The reader will recollect the grant of the census, as it was called, of one thousand marks, which had been made by king John, as an acknowledgment that he held the crown in fee of the sovereign pontiff. The amount was not very considerable in itself: but the payment conveyed with it the idea of vassalage, and the pontiffs were annually compelled to remind the successors of John of the obligation. If their friendship chanced to be necessary to the king, the admonition was received with respect and obedience: if it were not, some excuse was invented, and the payment was deferred. At the death of Edward I., no less than seventeen thousand marks had become due: by his son every demand was faithfully discharged; and the third Edward imitated the conduct of his father, till he engaged in the chimerical project of wresting the crown of France from its possessor. The popes waited with impatience for the return of peace, and in 1366 Urban V. demanded the arrears of the last thirty-three years, with a hint that if the claim were resisted, he should enter a suit in his own court for the recovery of the penalties contained in the original grant. When the parliament met, the king assembled the lords spiritual and temporal in the white chamber at Westminster, communicated to them the papal demand, and solicited their advice. The prelates requested a day to consult in private, and returning the next morning, answer-

Peter-
pence.

Grant of
king John.

* Rot. Parl. i. 220. It amounted to 201*l.* 9*s.*: about 2*l.* more than is mentioned in the register of the Vatican. But in that register Durham is omitted.

ed that neither John nor any other person could subject the kingdom to another power, without the consent of the nation. The temporal peers concurred in their opinion: it was communicated to the commons, who willingly expressed their assent: and a public instrument was drawn up in the name of the king, lords, and commons, repeating the answer of the bishops, and adding that the act of John was done without the consent of the realm, and against the tenor of the oath which he had taken at his coronation. It was then resolved by the lords and commons (the king and prelates had withdrawn) that if the pope attempted to enforce his claim by process of law, or by any other means, they would resist and stand against him to the utmost of their power.* This solemn determination set the question of the census at rest for ever.

3. The origin of the payment of *first fruits* has been referred to the presents, which in the more early ages every bishop, when he was consecrated, and every priest at his ordination, was expected to make to the officiating prelates and their attendants. By Gregory the great it was abolished: after his death it sprang up again: and as the amount of the gift was regulated by the value of the benefice, it insensibly grew to be rated at one year's income. In many dioceses it was exacted from all the inferior clergy; in the court of Rome at every promotion; whence, as many prelates obtained their sees by papal "provisions," the first fruits of most bishoprics were gradually absorbed by the papal treasury.† In England Pandulf bishop of Norwich, is said to have been the first who exacted this tax from his clergy, on the plea of the incumbrances with which he found himself burdened:‡ In 1246 Boniface archbishop of Canterbury, obtained from Innocent IV. the first year's income of all benefices in his province, which might become vacant during the six following years:§ and other prelates repeatedly applied for similar grants to succeeding pontiffs. At length Clement V. alleging in excuse the urgent necessities of the Roman church, reserved for his own use all the first fruits that might arise in the course of two years:|| and some time after his successor John XXII. imitated his example, but extended the term to three years.

4. In this place it may be proper to notice the manner in which the provisions to bishoprics devolved on the holy see. After the concession of

Provision of
bishoprics.

* Rot. Parl. ii. 289, 290.

† Ang. Sac. i. 410.

‡ Rym. iii. 75.

† De Marca, lib. vi. c. 10, 11.

§ Rym. i. 462.

the Magna Charta, it became the custom, that on the vacancy of any see, the chapter should solicit a *congé d'elire*, to choose by the majority of suffrages, or by way of compromise, the future bishop, and to present him to the king for the royal approbation. That approbation was signified to the metropolitan, if the church were subject to him, or to the pope, if it were a metropolitical see. When the election had been confirmed by the pope or metropolitan, the confirmation was notified to the king, who received the homage of the new bishop, and gave him the temporalities of his bishopric.* In the course of this complex proceeding, difficulties frequently occurred. To secure proper persons for the episcopal office, and to prevent undue influence in the choice, so many minute and rigorous regulations had been introduced by the canons, that it was easy for the pope or the metropolitan, if he were so inclined, to discover sufficient cause for the rejection of almost any individual. The metropolitan, indeed, as from him there lay an appeal to the pope, was careful to exercise his authority with moderation: but the judgment of the pope was definitive; and it was usual for our monarchs to exert all their influence at the court of Rome, to free themselves from an obnoxious, and to exalt a favourite, prelate. By degrees the popes drew to themselves the right of institution, which had formerly belonged to the metropolitans, and by means of "provisions" appointed to almost every bishopric. Nor did the monarch view the alteration with displeasure. He generally found the pontiff more tractable than the chapters: and if he occasionally acquiesced in the papal choice, might in return expect that equal attention would be paid to his own recommendation. He was probably a gainer by the change.

On such occasions it had been customary for the pope to send a copy of the "provision" to the king, with a request that he would grant the temporalities of the see to the new bishop.† It happened that in the first of Edward I. while the king was on his way from the holy land, the pope appointed Robert de Kilwardby to the archiepiscopal see of Canterbury. The council admitted the new primate, but with a protestation that the provision was contrary to the rights of the crown, and a declaration that for the future, the king would not hold himself obliged to grant the temporalities to prelates so provided.‡ Six years later Robert accepted the dignity of cardinal, and resigned his archbishopric. As the resignation was made in the papal court, the pontiff, according to custom,

* Rym. iv. 61. Rot. Rom. 10 Ed. III. apud Brad. iii. App. 116.

† Rym. i. 305. ‡ Claus. 1 Ed. I. m. 11. apud Brad. iii. App. 32.

appointed his successor: but, probably on account of the protestation of the council, omitted in his letter to the king the usual request concerning the temporalities. The omission created a demur: but at length, on the supposition that it had been an error of the clerk, it was overlooked.* Twenty-three years elapsed, when William de Gainsborough was preferred to the bishopric of Worcester: and in the bull of provision the pope was made to intrust to his care the temporalities as well as the spiritualties of that see. The addition did not escape the observation of the royal officers: it was declared to be an invasion of the right of the king, to whom alone, and not to the pope, belonged the power of granting the temporalities: and the bishop, for having received the bull, was condemned to pay a fine of one thousand marks. To evade, however, the difficulty, without having recourse to negotiation with the pontiff, the following expedient was adopted. Gainsborough, by a formal instrument, renounced every clause in the bull, which might be prejudicial to the rights of the crown, and acknowledged that he could receive the temporalities of the bishopric from no one but the king: and Edward, satisfied with this renunciation, delivered the temporalities to him, and allowed him to do homage.† Still, however, as the court of Rome persisted in the use of the same form, the crown continued to require from each bishop a similar renunciation, which was regularly made from that time till “provisions” were finally abolished in the reign of Henry VIII.‡

Of inferior benefices. But the “provisions” to bishoprics did not create such general dissatisfaction as those to inferior benefices. All the complaints which had been made in the reign of Henry III. were repeated: that the rights of the patrons had been invaded; that livings were given to clergymen who did not reside within the kingdom, and were even ignorant of the language; and that the wealth of the English church was occasionally employed in supporting those who advocated the cause of the enemies of England. The popes condescended to reply, that they had used their right with moderation; that, in general, they appointed none to benefices who were not the king’s subjects; and that, if they ever broke that rule, it was in favour of the cardinals, who were employed to support his interests in the Roman court.§ The real fact was, that the popes, particularly after

* Rym. ii. 1072.

† Spelm. Con. ii. 435

‡ See numberless instances in Rymer, *passim*. In 1324 Edward II. made a solemn protest against the clause, iv. 61.

§ Rym. iii. 97. 187.

they had fixed their residence on this side of the Alps, were reduced to such indigence, that they could not maintain their ministers without external resources: and our monarchs, though they might be occasionally offended, were not sincere in their hostility to a practice, the utility of which they experienced themselves. By soliciting "provisions" for their servants, they exonerated themselves from the obligation of remunerating them out of the revenues of the crown: and scarcely a year was suffered to pass, in which they did not obtain several grants of this description in favour of their own chaplains.*

On these different accounts the popes had generally several officers in England employed more in a temporal than spiritual capacity. It was their duty to collect and transmit the monies belonging to the apostolic chamber, to execute the letters of provision, to serve citations, and to notify the judgments given in the papal courts in cases of appeal, or on beneficiary matters. To the crown they were always objects of jealousy. They were most strictly forbidden to attempt any thing derogatory from the rights of the king; their persons were occasionally searched; every suspicious instrument was seized and laid before the council; and on the slightest provocation they were prosecuted, imprisoned, or banished.† The papal procurator, before he could enter on the execution of his office, found it necessary to swear, that he would be loyal to the king and keep his counsel; that he would execute no orders which might be prejudicial to the rights of the crown or of the subject; that he would publish no letters which he might receive from the pope or any other person, till he had shown them to the council; and that he would not send money out of the kingdom without the royal license.‡ But no prince seems to have carried this jealousy farther than Edward II. When John XXII. had sent the bishops of Vienne and Orange, to negotiate a reconciliation between him and his consort Isabella, though they had previously informed him that they brought with them no letters of any description, which could affect his interests or those of any of his subjects, the constable of Dover received orders to address them on their landing in the following terms:—"My lords, it is my duty to charge every stranger, who enters this land, to inform our lord the king of the cause of his coming; but this is unnecessary, as I am assured, you have already done so. It is, however, my

Papal officers in England.

* In 1275 Edward obtained three at the same time. Rym. ii. 55. In 1306 he obtained six. Id. ii. 982.

† Rym. iii. 187.

‡ Id. vi. 709.

duty also to forbid you, in the name of our lord the king, to bring with you, or to do any thing which may be prejudicial to the king, his land, or any of his subjects, under the penalties which thereto belong; or to receive or execute hereafter any order that may arrive, and prove to be prejudicial to him, his land, or his subjects, under the same penalties." After this uncourteous speech, he was to treat them with every attention, and inform the king of their arrival.*

Statutes
against
provisions.
1307.

In the last year of Edward I. the different claims of the pontiffs became the subject of parliamentary investigation. A unanimous resolution was taken by the king, lords, and commons, to put an end to all causes of complaint, and Testa, the papal procurator, was severely reprimanded before the two houses, forbidden to repeat his former exactions, and strictly enjoined to keep for the king's use the monies which

March 22.

he had levied. At the same time writs were directed to the sheriffs, to arrest all persons, who had been employed by him, and to bring them before the king on a certain day, to answer the complaints of the aggrieved. It is impossible to acquit Edward of duplicity on this occasion. The cardinal bishop of Sabina visited him

Apr. 4.

during the sitting of parliament: as soon as it was dissolved, the king took Testa and his associates under the royal protection, and granted them permission to levy the first fruits, to perform all acts done by their predecessors, and to transmit the monies which they had collected to the pontiff in bills of exchange. The cardinal soon afterwards departed: and the papal officers were immediately opposed by the officers of the crown. They exhibited the king's letters: but were told that these letters included the words "as far as is in our power:" now it was not in the king's power to surrender the rights of the crown; and of consequence the protection which they had obtained was of no force.

June 27.

From this decision they appealed to Edward himself, who replied by an order for the observance of the parliamentary prohibitions. His death, which happened a few days later, left the question in this unsettled state.†

So it remained during the reign of Edward II., and the first part of that of his successor. But in the year 1343 the act of Edward I. was read in parliament, and an additional act was passed, forbidding under the pain of forfeiture any person to bring into the realm, or receive, or execute provisions, re-

* Rym. iv. 206.

† See the whole business related in the rolls of parliament, i. 219—225.

servations, or letters of any other description, which should be contrary to the rights of the king or of his subjects; ordering all such letters to be seized wherever they might be found; and commanding all provisors or others, who in consequence of such letters, should bring actions against the patrons of benefices, or their presentees, to be brought before the king to receive that judgment, which he should award.* In the next parliament, it was determined that the penalty to be incurred by offenders against the last act should be outlawry, perpetual imprisonment, or abjuration of the realm. In 1351 it was provided by a new statute, that ecclesiastical elections should be free, and the rights of patrons should be preserved: that if the pope by provision or reservation disturbed such rights and elections, the collation should fall to the king in all cases where he or an ecclesiastical person were the patron, or the lay patron neglected to exercise his right: and that if the king's presentee were afterwards molested by the provisor, then the said provisor, his procurators, executors, and notaries, should be imprisoned, and fined at the mercy of the king, and make full compensation to the person aggrieved.† With this statute the clergy were not content. In the place of one invasion of right it substituted another. Instead of protecting the freedom of canonical election against the interference of the pope, it abolished such freedom in favour of the king, on the groundless plea, that the nomination had originally belonged to the crown, and that when the conditions, on which free elections had been conceded, were no longer observed, the crown ought to be replaced in its original situation.

1343.

1344.

1351.

1353.

Two years later an addition was made to the provisions of this statute. It always happened that the presentee applied for protection to the royal, the provisor to the papal courts; and that the latter by spiritual censures endeavoured to prevent the execution of the judgments given in the former. It was therefore enacted that whosoever should draw any of the king's subjects to plead in a foreign court on matters, the cognizance of which belonged to the king's courts, or should by such means seek to defeat the judgments given in the king's courts, should be allowed two months to answer for his contempt: and at the expiration of that term, should, with his procurators, attornies, executors, notaries,

* Rot. Parl. ii. 144, 145.

† Stat. at large, 25 Ed. III. st. 6.

and maintainers, be put out of the king's protection, his lands, goods, and chattels forfeited to the king, and his body, if found, imprisoned, till it were ransomed at the king's will.*

In 1364 all the former statutes on this subject were confirmed, and the penalties of the last were extended to all persons who had procured, or should procure personal citations to plead in a foreign court, or had obtained or should obtain in the said court any ecclesiastical benefices within the realm: and in the same punishment were involved all their maintainers, concealers, abettors, aiders, fautors, and sureties. To this new statute the dukes, earls, barons, and commons agreed, "if it should so please the king:" but the prelates added to their consent a protest, that they did not mean to assent to any thing "which might be, or which might turn to the prejudice of their dignity or estate."†

1373. In 1373 the commons again addressed the king, complaining of the papal provisions, and of the demand of the first fruits: but Edward replied, that his envoys were treating on these subjects with the pontiff, and that he could not consent to any innovation till he should know the result.‡

1374. It was agreed by the two powers to suspend all proceedings in their respective courts, and to send ambassadors to Bruges, where the matters in dispute might be amicably adjusted, and at the same time a peace

1375. be negotiated with France under the papal mediation. The consequence was that Edward remitted all the penalties incurred by the statutes against provisors; and Gregory IX. revoked every reservation which had been made by himself or his predecessors, but had not yet taken effect; confirmed all the king's presentees in the actual possession of their benefices, without requiring from them the payment of the first fruits; imposed silence on all the provisors (they were six in number) who had causes pending in his courts; and empowered the bishops to visit the livings,

* Ibid. 27 Ed. III. st. 1. Rot. Parl. ii. 252.

† Stat. 38 Ed. III. st. 2. Rot. Parl. ii. 284, 285. These enactments were called the statutes of provisors and *præmunire*. The latter word is taken from the beginning of the writ, preparatory to the prosecution, *præmunire facias*. Forewarn, &c.

‡ Rot. Parl. ii. 320. A little before, the commons had petitioned that no clergyman should be one of the great officers of state: and Edward had replied that he should take the advice of his council. I mention this merely to observe, that the real ground of the petition appears on the rolls: namely, that laymen for mal-administration might be punished with the forfeiture of their lands and chattels, but that clergymen were so secured by their privileges, that it was difficult to bring them to justice, whatever had been their conduct while they were in power. Rot. Parl. ii. 304.

which had been given to cardinals, and to reserve, in defiance of prohibition or appeal, so much of the income as they thought necessary for the repairs of the church and buildings.*

The king seems to have been satisfied: but the commons the next year presented to him two more petitions, repeating and exaggerating their former complaints. They were coldly received. He had, he returned, already applied a sufficient remedy, and was still in treaty with the pontiff respecting the matters contained in their long and tedious addresses.†

1376.

From the preceding detail, the reader will have collected an accurate notion of this controversy. Of the primacy of the pontiff or of his spiritual jurisdiction there was no question: both these were repeatedly acknowledged by the commons in their petitions, and by the king in his letters. But it was contended that the pope was surrounded by subtle and rapacious counsellors, who abused for their own emolument the confidence of their master:‡ that by their advice he had “accroached” to himself a temporal authority to which, as it invaded the rights of others, he could have no claim: and that when repeated remonstrances had failed, it was lawful to employ the resources of the civil power in the just defence of civil rights. It was in vain that the pontiff, on account of his pre-eminent dignity in the church, claimed a right to dispose of its revenues for its advantage: the new statutes were put in execution; and the same legislators, who received with deference the doctrinal decisions, and disciplinary regulations of their chief pastor, visited with the severest penalties of the law the clergymen, who procured from him the provision to a benefice in opposition to the rights of the patron. This is an important occurrence in our history, as it proves beyond contradiction that the distinction between the spiritual and temporal power of the pope, which is maintained by the catholics of the present day, was a principle fully recognized and asserted by their catholic ancestors many centuries ago.

Nature of
the contro-
versy.

In the obstinacy with which the court of Rome urged the exercise of these obnoxious claims, it is difficult to discover any traces of that political wisdom, for which it has been

* Rym. vii. 33. 83—88.

† Rot. Parl. ii. 337—340.

‡ In the preamble to the statute of the 38th of Edward III. it is said to have been enacted among other reasons, *en eide et confort du pape, qi moult sovent a estee truble par tieles et semblables importuns clamours et impetraciones, et qi y meist voluntiers convenable remedic, si sa segñete estoit sur ces choses enfourmee.* 38 Ed. III. st. 2. c. 1.

celebrated. Its conduct tended to loosen the ties which bound the people to the head of their church, to nourish a spirit of opposition to his authority, and to create a willingness to listen to the declamations, and adopt the opinions of religious innovators. To disputes respecting the questionable limits of the spiritual and temporal jurisdictions, succeeded a more important controversy on points of doctrine: and before the close of Edward's reign, a new teacher appeared, who boldly rejected many of the tenets which his countrymen had hitherto revered as sacred; whose disciples for more than a century maintained a doubtful contest with the civil and ecclesiastical authorities; and whose principles, though apparently eradicated, continued to vegetate in secret, till the important era of the reformation. I may be allowed to add a few notices respecting the life of this extraordinary man.

VIII. It is about the year 1360 that the name of Wycliffe is first mentioned in history. He was then engaged in a fierce but ridiculous controversy with the different orders of friars. They had been established in England for more than a century: and by their zeal, piety, and learning, the usual concomitants of new religious institutions, had deservedly earned the esteem of the public. Some taught with applause in the universities: many lent their aid to the parochial clergy in the discharge of their ministry: several had been raised to the episcopal dignity: and others had been employed in difficult and important negotiations by their sovereigns.* The reputation and prosperity of the new orders awakened the jealousy of their rivals. Fitz-Ralph, archbishop of Armagh, openly accused them before the pontiff, and Wycliffe, treading in the footsteps of Fitz-Ralph, maintained at Oxford that a life of mendicity was repugnant to the precepts of the gospel, and that the friars in practice and doctrine were involved in the guilt of fifty heresies.† The men, whom he attacked, endeavoured to justify themselves by the example of Christ, who was supported by the alms of his disciples: and Wycliffe replied by this nice distinction: that Christ, though he received, did not ask; while the friars, not content with spontaneous offerings, extorted others by their importunity and falsehoods. This controversy had no immediate result: but it is mentioned as the origin of that violent hostility to the friars, which Wycliffe displayed in every subsequent stage of his life.

* See Collectanea Anglo-Minoritica, passim.

† Lewis has transcribed these heresies from the work of Wycliffe, p. 19.

Archbishop Islip had founded Canterbury hall in Oxford for a warden and eleven scholars, of whom eight were to be secular clergymen, the warden and three others to be monks, taken from his own convent at Christchurch. In 1365, by means with which we are not acquainted, Wycliffe superseded Woodhall the warden, and with the approbation of the founder, expelled both him and his monks. Islip died the next year: his successor, Simon Langham, alleging that the appointment of Wycliffe was contrary to the charter of foundation, and had been obtained at a time when his predecessor, from age and infirmity, was incapable of business, commanded the new warden to make place for the old; and on his refusal, sequestered the revenues of the hall. Wycliffe appealed to the pope, and commissioned one of the fellows to prosecute the appeal. After a tedious process, judgment was given against him: both he and his associates were expelled in their turn; and the king's approbation was obtained to sanction the whole proceeding.* To his disappointment at this decision has been attributed, perhaps rashly, Wycliffe's subsequent opposition to the papal authority.

He loses
his warden-
ship.

He had obtained the honorary title of one of the king's chaplains, and as such strenuously maintained in the university the rights of the crown against the pretensions of the pontiff.† His name stands the second on the list of commissioners appointed to meet the papal envoys at Bruges for the purpose of adjusting in an amicable manner the disputes between the two powers.‡ He was afterwards preferred to a prebend in the collegiate church of Westbury. He already possessed the rectory of Fylingham, which he exchanged for that of Lutterworth, both in the diocese of Lincoln.

Obtains
preferment.

1374.

To accept of preferment was so contrary to the principles which he afterwards taught, that it is probable he had not yet determined to embrace the profession of a reformer. He continued, however, to lecture at Oxford, and imitated in his manner of life the austerity of the men, whom he so warmly opposed. He

Inveighs
against
beneficed
clergy.

* See the original documents in Lewis, 235—251.

† His "determination" on the census demanded by the pope, is published by Lewis, p. 363. It does more honour to his loyalty as a subject, than to his abilities as a scholar or a divine. It is chiefly remarkable for containing the germ of those doctrines, which afterwards involved him in so much trouble: that dominion is founded in grace, and that the clergy ought not to possess temporal possessions.

‡ Rym. vii. 41.

always went barefoot, and was clad in a gown of the coarsest russet.* By degrees he diverted his invectives from the friars to the whole body of the clergy. The pope, the bishops, the rectors and curates, smarted successively under the lash. Every clergyman was bound, he contended, to imitate the Saviour in poverty as well as virtue. But clerks possessioners, so he termed the beneficed clergy, did not imitate the poverty of Christ. "They were choked with the tallow of worldly goods, and consequently were hypocrites and anti-christs."† By falling into sin, they became traitors to their God: and of course forfeited the emoluments of their cures. In such cases it became the duty of laymen under pain of damnation to withhold from them their tithes, and to take from them their possessions.‡ To disseminate these and similar principles, he collected a body of fanatics, whom he distinguished by the name of "poor priests." They were clad like himself, professed their determination never to accept of any benefice,§ and undertook to exercise the calling of itinerant preachers without the license, and even in opposition to the authority of the bishops.

The coarseness of Wycliffe's invectives, and the refractory conduct of his poor priests, soon became subjects of astonishment and complaint. In the last year of Edward, while the parliament was sitting, he was summoned to answer in St. Paul's before the primate and the bishop of London. He obeyed; but made his appearance between the two most powerful subjects in England; the duke of Lancaster, and Percy the lord marshal. Their object was to intimidate his opponents: and the attempt was begun by Lancaster, who ordered a chair to be given to Wycliffe. Courtney the bishop of London, replied that it was not customary for the accused to sit in the presence, and without the permission, of his judges. A vehement altercation ensued, and the language of Lancaster grew so abusive, that the populace rose in defence of their bishop, and had it not been for his interference, would have offered violence to his reviler. Though the duke escaped with his life, his palace of the Savoy was pillaged in the tumult, which

* Lel. Col. iii. 409.

† MS. of Prelates, c. 40. apud Lewis, 37.

‡ Ibid. p. 266.

§ Wals. 192. Cont. Murim. 136. Wycliffe wrote a treatise entitled, "Why poor Priests have no Benefice." It is published by Lewis, p. 287. The reasons for refusing benefices are three: 1. The dread of simony. 2. The danger of misspending the revenues, which belong to the poor. 3. The hope of doing more good by moving from place to place.

has been already described. Wycliffe found it necessary to make the best apology in his power, and was permitted to depart with a severe reprimand, and an order to be silent for the future on those subjects, which had given so much cause for complaint.*

And reprimanded.

In a few days the king expired: the sequel of Wycliffe's history will be related under the reign of the next monarch.

1377.
June 21.

* Wals. 191. Cont. Murim. 137. Lel. Coll. i. 183. iii. 379. Harpsfield, 683. Fuller, 135.

CHAP. III.

RICHARD II.

CONTEMPORARY PRINCES.

<i>Emperors of Ger.</i>	<i>Kings of Scotland.</i>	<i>Kings of France.</i>	<i>Kings of Spain</i>	<i>Popes.</i>
Charles IV. 1378. Winceslaus.	Robert II. 1390. Robert III.	Charles V. 1380. Charles VI.	Henry II. . 1379 John I. . . 1391. Henry III.	Gregory XI. 1372. Urban VI. . . 1391. Boniface IX.

GOVERNMENT OF THE KINGDOM DURING THE MINORITY—INSURRECTION AND EXCESSES OF THE PEOPLE—WYCLIFFE—HIS DEATH AND DOCTRINES—INVASION OF SCOTLAND—PROSECUTION OF MINISTERS—ASCENDANCY OF THE DUKE OF GLOUCESTER—EXECUTION OF THE KING'S FRIENDS—RICHARD RECOVERS HIS AUTHORITY—STATUTES OF PROVISORS—THE KING GOES TO IRELAND—ATTAINDER OF THE DUKE OF GLOUCESTER AND HIS ADHERENTS—JUDGMENT OF THE DUKES OF HEREFORD AND NORFOLK—ILLEGAL CONDUCT OF RICHARD—HE GOES TO IRELAND—HENRY OF LANCASTER REBELS—KING MADE PRISONER AND DEPOSED—HENRY CLAIMS THE CROWN.

Succession of Richard. 1377.
June 21. WHILE Edward yet lay on his death-bed, a deputation of the citizens of London waited on Richard of Bourdeaux, the son and heir of the black prince. They offered their lives and fortunes in support of his right to the crown, advised him to leave Shene, and to make the Tower his residence, and solicited his mediation to reconcile them with his uncle, the duke of Lancaster. The young prince (he was in his eleventh year) was instructed to receive them graciously, and to signify his assent to their petitions. The same day his grandfather died; and the next afternoon Richard made his entry into the capital. Triumphal arches had been erected: pageants were exhibited: and conduits run-

ning with wine displayed the wealth of the citizens, and exhilarated the loyalty of the populace.*

Three weeks were employed in performing the obsequies of the late, and preparing for the coronation of the new, king. On the appointed day Richard rose at an early hour, and attended at the matins and mass in his private chapel at Westminster. The procession assembled in the great hall, the passage from which to the abbey-church had been covered with scarlet cloth. The clergy, abbots, and prelates, led the way: they were followed by the great officers of the crown: and last of all came the young prince under a canopy of blue silk, borne on spears of silver by the barons of the cinque ports. While the litany was chaunted by the choir, Richard lay prostrate before the altar, whence he was conducted to his throne on a platform raised in the middle of the nave. As soon as he had taken the usual oath, the archbishop, accompanied by the mareschal, successively explained its obligations to the people from the four sides of the platform, and inquired whether they were willing to have the young prince for their king. Their assent was given in loud acclamations: and Richard was anointed, crowned, and invested with the different insignia of the royal dignity. A solemn mass followed: at the offertory he descended to present on the altar bread and wine and a mark of gold: and returning to his throne, received the homage of his uncles, and the earls and barons. As soon as he had communicated, the young king, exhausted with fatigue, was conveyed in a litter to his own apartment: but after a short repose was again summoned to the great hall, where he created four earls and nine knights, and partook of a splendid but tumultuous banquet. The day was concluded with balls, minstrelsies, and the usual festivities of the age.†

His coronation.

July 16.

* I will mention one of these pageants that the reader may form some idea of the taste of our ancestors. In the market of Cheapside was erected a building in the form of a castle, out of which ran two streams of wine. On its four turrets were placed four girls, dressed in white, and of the same age with the king. As he approached, they blew towards him small shreds of gold leaf; then showered upon him florins made of paper, and coming down helped him and his attendants to wine out of cups of gold. To conclude the exhibition, an angel descended from the summit of the castle, and offered to the king a golden crown. Every street exhibited some pageant or device: but the merchants of Cheapside obtained the praise of superior ingenuity. Wals. 194, 195.

† Walsingham has preserved the whole order of the coronation (195—198). The duke of Lancaster commanded it to be enrolled. Rym. ii. 159. Sir John Dymock attended as champion with his two esquires; the lord

Council of
regency.
July 17.

The next morning the prelates and barons held a great council to arrange the form of the new government during the minority of the king, and chose "in aid of the chancellor and treasurer" twelve permanent counsellors, two bishops, two earls, two barons, two bannerets, and four knights. The ascendancy which the duke of Lancaster had possessed at the close of the last reign, his wealth and power, and his known ambition, had created a prevalent opinion, that he would snatch the first opportunity to place the crown on his own head. To the surprise of his enemies he cheerfully acquiesced in the appointment of the council, and retired with his suite to his castle of Kenilworth. But though he was thus apparently excluded from the administration, in common with his brothers, the new earls of Cambridge and Buckingham, he had been careful to procure places in the council for several of his creatures, whose appointment kept alive the jealousy of his opponents, and gave rise to many specious but perhaps unfounded reports.*

Transac-
tions in par-
liament.

It was the misfortune of the new king to find himself, at the very commencement of his reign, involved in an expensive war. The truce between England and France had expired before the death of Edward: and Charles had taken the opportunity to renew hostilities, and add to his former conquests. His fleets insulted the English coasts: the Isle of Wight was plundered: the town of Hastings was burnt: and though the enemy had been repulsed from Southampton by the earl of Arundel, the maritime towns were continually exposed to their visits, and the merchants were impoverished by the interruption of commerce. In these expeditions the French obtained the co-operation of the Spaniards, whose hostility had been embittered by the impolitic pretensions of the duke of Lancaster in right of his wife to the crowns of Castile and Leon. With an exhausted treasury it was impossible for the new government to oppose the enemy on the sea, or to check his progress by land: the king summoned parliament after parliament to demand the aid of his people: and these assemblies, imitating those of the last reign, accompanied every grant with petitions, which procured the confirmation of the statutes already enacted, and led to the acqui-

steward, constable, and mareschal, rode up and down the hall on their chargers to maintain order. Wals. 127. The claims to the different offices on this occasion may be seen in Lel. Coll. i. 253.

* Rym. vii. 162. Wals. 198. Rot. Parl. iii. 386.

sition of new and valuable privileges, still enjoyed by the house of commons at the present day.

Richard's first parliament showed how low the influence of the duke of Lancaster had declined. The majority in the commons consisted of the members who had been arrayed against him in 1376: and the new speaker was
Oct. 13.
sir Peter de la Mare, the very man whom he had imprisoned on account of his activity on that occasion. The archbishop of Canterbury opened the session with a speech, in which he recommended Richard to the affection of his people, because he was not an elected king, but the true heir and representative of their former monarchs; returned them thanks for the attention which they had always paid to his interests, since the death of his father; and requested their advice how the enemies of the realm might be effectually opposed with the least burden to the nation, and the greatest honour to the new sovereign. The commons replied that they could not venture to answer of themselves so important a question, and solicited the aid of twelve peers, with "my lord of Spain" (the duke of Lancaster) at their head. The moment Richard had signified his assent, the duke arose, bent his knee to the king, and alluding to the reports which had been circulated, said: that the commons had no claim on him for advice. They had charged him with that which amounted to treason. Though he might be unworthy, he was still the son of a king, and one of the first lords in the realm: nor would he sit down under the imputation, or apply to any business, till his character had been cleared. The blood which flowed in his veins, was the blood of men, who had been renowned for their faith and loyalty. There had never been a traitor among his ancestors of either line, nor would he be the first to sully the fair fame of two noble families. Marvellous indeed it would be, if, bound as he was by nature to be loyal, and with more to lose by treason than any other man in the kingdom, he should still be a traitor. Let then his accusers come forth. He was ready to meet them, as if he were the poorest knight, either in single combat, or in any other way that the king and his peers might award.*

This speech created a considerable ferment. The prelates and lords arose together, surrounded the duke, and entreated him to be pacified, "for no mortal living would give credit to such imputation." The commons then came and protested their belief of his innocence, and in proof of their sincerity,

* This speech is entered on the rolls, probably at the demand of the duke. Rot. Parl. iii.

referred to the choice which they had previously made of Lancaster himself to be their principal counsellor. At last he suffered himself to be persuaded, consented to forget all that was past, and declared that he would be satisfied with the enactment of a severe law for the punishment of the inventors and propagators of similar falsehoods.*

Demands of the commons. After this pacification the commons, having presented several petitions, were ordered to withdraw, and to return on an appointed day to receive the answers of the king and the lords. In one point, and that of great importance, they proved successful. Two citizens, John Philpot and William Walworth, merchants of London, were appointed treasurers to receive the monies arising from the new aid, of two tenths on the towns, and two fifteenths on the counties, and to employ them solely in defraying the expenses of the war. In another point their wishes were but partially gratified. They had petitioned that eight new counsellors, the great officers of state, the chief justices, and all the individuals admitted near the king's person, should be named by the lords, and certified to the commons in parliament. The lords appointed a new council of nine members to continue in office one year, to whom were added eight others according to the request of the commons; reserved to themselves the nomination of the chancellor, chamberlain, and steward of the household during the minority: but left to the king himself the selection of his other companions and servants. To a third request that "a parliament might be holden once every year at a convenient place, to redress delays in actions at law, and to decide finally those cases in which the judges differed in opinion," it was replied, that the existing statutes should be put in execution, and the place of meeting be determined by the king.†

Judgment of Alice Perrers. Before the close of the session Alice Perrers was abandoned by her former patron to the resentment of the commons. She was arraigned before the peers on the act passed the last year, to prohibit females from soliciting causes in the king's courts for hire or reward: and was accused of having procured from the deceased monarch the revocation of sir Nicholas Dagworth's appointment to an office in Ireland, and a full pardon for Richard Lyons, who had been convicted of several misdemeanors at the prosecution of the commons in parliament.

* Ibid.

† Rot. Parl. iii. 6, 7. 16. During these proceedings the lords appear to have acted on the principle, that by the minority of the king, the right of providing for the government had devolved upon themselves.

The prelates and lords resolved that she should be tried by a jury, before a committee of the house, consisting of the duke of Lancaster and four earls. She was found guilty, and condemned to banishment, and the forfeiture of all her lands, tenements, goods, and chattels.*

The hopes of the nation had been raised by the promises, they were afterwards depressed by the inactivity, of the duke of Lancaster. That prince, who had received the whole of the last subsidy, conducted an army to Bretagne, besieged the town of St. Malo, lay during several weeks before the walls, and then returned to England without fighting the enemy, or achieving a single conquest. The Scots at the same time violated the truce, burnt Roxburgh, and surprised Berwick, which was soon recovered by the earl of Northumberland. Several petty engagements were fought at sea: but the commanders that chiefly distinguished themselves on either side, proved to be private adventurers; Mercer, a Scot, who with a few ships scoured the German ocean, and carried off a fleet of merchantmen from the port of Scarborough; and Philpot, the citizen of London, who, equipping a small squadron at his own charge, fell in with Mercer, and, after a sharp engagement, took him prisoner, and captured sixteen Spanish vessels. Philpot was received with acclamations by his fellow citizens; but was severely reprimanded by the council, for having presumed to levy war without the royal permission.†

Events of
the war.

1378.
August.

The next parliament met at Gloucester, at a time when the minds of the people were soured by taxation and disappointment. On the introduction of the commons into the royal presence, their speaker, sir James Pickering, having craved the king's indulgence, if he should say any thing displeasing to him or the lords, de-

A new par-
liament.
Oct. 20.

* Ibid. 12—14. In this trial there occurred much, which is very repugnant to our present notions and practice. 1. Not only were the depositions of the witnesses very unsatisfactory, but six of the jury were examined against the accused. It should, however, be observed, that this was consistent with the ancient practice, which selected the jury from the persons supposed to be, from their own knowledge, the best acquainted with the guilt or innocence of the prisoner. In the present case it consisted of sixteen knights and esquires of the late king's household, who from their situation had been in the habit of witnessing the conduct of Perrers. 2. When judgment was about to be pronounced, it was observed that the punishment in the late act extended only to the forfeiture of goods and chattels, not of lands and tenements. To get over the difficulty, the lords who had concurred in passing that act, declared that it had always been their intention to include lands and tenements. Ibid.

† Wals. 211.

tailed their objections to the grant of a new subsidy, which were answered by sir Richard le Scroop, the steward of the household. Emboldened by their success in the last year, they now requested permission to inspect the accounts of the treasurers, which was granted as a matter of favour but not of right, with a protestation that it should not hereafter be drawn into a precedent. They next petitioned for a copy of the enrolment of the tenths and fifteenths, that they might learn in what manner they had been raised: and this was also granted, with an observation that it proceeded from the king's good pleasure, and not in consequence of their request. Lastly, they demanded that six peers and prelates should be sent to their chamber to give them advice: but the lords refused, declaring that they would revert to the ancient custom of appointing a committee of their members to consult in private with a committee similarly appointed by the other house. Though the commons were repeatedly urged to the despatch of business, and told that by their delay they added to the burden of those, who had to pay their expenses, they proceeded leisurely and with much deliberation. On inquiry, however, they were satisfied that the subsidy had been impartially assessed, and lawfully expended: their objections were silenced; and a new aid by an additional impost on wool, wool-fells, and skins, was cheerfully granted.*

Expedition to Bre-
tagne. During the war in Bretagne the French had successively obtained possession of every fortress, with the exception of Brest, which the duke, John de Montfort, had surrendered to Richard in exchange for a competent estate in England. Charles, flattering himself that he was secure of his conquest, by a definitive judgment annexed the dutchy to the French crown: a precipitate and injudicious measure, which instantly awakened all the national prejudices of the Bretons. They combined to assert their independence: recalled their duke, expelled the French, and earnestly solicited assistance from England. The first expedition under sir John Arundel was dispersed by a storm, in which the general and the greater part of the men at arms perished. A second army was raised, and placed under the command of the earl of Buckingham, the king's uncle. He crossed from Dover to Calais, directed his march through the heart of France, and was permitted to advance without opposition according to the usual policy of the enemy. But by the time he had reached the borders of Bretagne, another, and not less singular, revolution had happened.

* Rot. Parl. iii. 34. 38.

Charles died: the Bretons transferred their jealousy from the French to their allies; and Montfort, after balancing long between the two parties, yielded to the wishes of his subjects, and made his peace with the regency, which governed France during the minority of Charles VI. The earl spent the winter in Bretagne: and at the return of spring was happy to escape with his army from the perfidy and hostility of the natives.*

Necessity again compelled the administration to solicit an aid from the parliament. The taxes New taxes. lately imposed had been unproductive: and the jewels of the crown had been pawned to defray the expenses of the late expedition. These frequent appeals to the generosity of the nation confirmed that control, which the house of commons had lately assumed over the public monies. It was no longer necessary to petition for the accounts of the treasury: they were offered spontaneously: and in 1379. return was granted a capitation tax graduated April 25. according to each person's rank and estate.† It had been cal-

* Froiss. xxvii. xxxiii.—xlvi. Murim. Cont. 148, 149.

† Rot. Parl. iii. 56, 57, 58. As the scale is curious, I shall subjoin an abridgment of it.

1. The dukes of Lancaster and Bretagne were rated at	£6	13	4	
2. The justices of the king's bench and common pleas, and the chief baron of the exchequer	5	0	0	
3. An earl, earl's widow, and the mayor of London	4	0	0	
4. A baron, banneret, knight equal in estate to a banneret, their widows, the aldermen of London, mayors of great towns, sergeants at law, and great apprentices of the law	2	0	0	
5. A knight, esquire who ought to be a knight, their widows, apprentices who followed the law, jurats of great towns, and great merchants	1	0	0	
6. Sufficient merchants	0	13	4	
7. Esquires, their widows, the widows of sufficient merchants, attorneys at law	0	6	8	
8. Others of less estate in proportion	0	3	4	
	or	0	2	0
	or	0	1	0
9. Each married labourer for himself and wife	0	0	4	
10. Single men and women not mendicants	0	0	4	

Rot. Parl. iii. 57, 58.

The clergy, who possessed the right of taxing themselves, adopted a similar rate.

Archbishops paid	£6	13	4
Bishops and other spiritual peers	4	0	0
All having benefices above the yearly value of 200 <i>l.</i>	2	0	0
from 100 <i>l.</i> to 200 <i>l.</i>	1	10	0
from 66 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i> to 100 <i>l.</i>	1	0	0
from 40 <i>l.</i> to 66 <i>l.</i> 13 <i>s.</i> 4 <i>d.</i>	0	13	4
from 20 <i>l.</i> to 40 <i>l.</i>	0	10	0
from 10 <i>l.</i> to 20 <i>l.</i>	0	5	0
All other clergymen	0	2	0

culated to produce above fifty thousand pounds, but fell short of half that sum: and to supply the deficiency a new demand was made upon parliament. The commons vented

1380.
Jan. 16.

their discontent in complaints. They required that the council should be dismissed, that the king should govern with the aid of his usual officers, the chancellor, treasurer, keeper of the privy seal, chamberlain and steward of the household, and that these ministers should be chosen in parliament. All their petitions were granted: even a committee of finance, consisting of lords and commons, was appointed with powers to inquire into the expenses of the royal household, and of the offices of government: and into this committee were introduced, by a condescension hitherto unknown, three representatives of the cities, two of them aldermen of London, and one an alderman of York. Mollified by so many concessions, they voted a tenth and a half within the cities and boroughs, a fifteenth and a half without.* Yet these grants did not prove sufficient to cover

the current expenses of the year: and when the
Nov. 5. chancellor, a few months later, informed them that one hundred and sixty thousand pounds were requisite to liquidate the debt of the nation, they pronounced the demand "outrageous and insupportable," and prayed the king and the lords to fix on a lower sum, and point out the least oppressive mode by which it could be raised. Three plans were offered to their choice: a capitation tax, or a duty on the sale of merchandise throughout the realm, or the imposition of a tenth or fifteenth after the ancient manner. A long debate ensued. The commons proposed to raise one hundred thousand pounds by the capitation tax, of which two thirds should be paid by the laity, one third by the clergy: but the clergy replied, that they would admit of no invasion of their rights; they had always enjoyed the liberty of taxing themselves, and would carefully preserve it. Let others perform their own duty, and they would perform theirs. At last it was resolved to impose a tax of three groats per head on every

male and female of fifteen years of age: but for the
Dec. 6. relief of the poor it was provided, that in the cities and towns the aggregate amount should be divided among the inhabitants according to their abilities, so that no individual should pay less than one groat, or more than sixty groats for

Monks and nuns paid per head, according to the value of the houses to which they belonged, 40*d.*, or 20*d.*, or 12*d.*, or 4*d.* Wilk. Con. iii. 141, 142.

* Rot. Parl. iii. 73, 74, 75.

himself and his wife.* The parliament was immediately dismissed: but the collection of the tax gave occasion to an insurrection, which threatened the life of the king, and the very existence of the government.

At this period a secret ferment seems to have pervaded the mass of the people in many nations of Europe. Men were no longer willing to submit to the impositions of their rulers, or to wear the chains which had been thrown round the necks of their fathers by a warlike and haughty aristocracy. We may trace this awakening spirit of independence to a variety of causes, operating in the same direction: to the progressive improvement of society, the gradual diffusion of knowledge, the increasing pressure of taxation, and above all to the numerous and lasting wars by which Europe had lately been convulsed. Necessity had often compelled both the sovereigns and nobles to court the good will of the people: the burghers in the towns, and inferior tenants in the country had learned from the repeated demands made upon them, to form notions of their own importance: and the archers and foot soldiers, who had served for years in the wars, were, at their return home, unwilling to sit down in the humble station of bondsmen to their former lords. In Flanders the commons had risen against their count Louis, and had driven him out of his dominions; in France the populace had taken possession of Paris and Rouen, and massacred the collectors of the revenue: and in England the villeins had formed associations in defence of their freedom, and refused the services to which they were bound by law and custom. In the first year of Richard's reign a complaint had been laid before parliament, that in many districts the tenants in villenage had purchased exemplifications out of the Domesday book in the king's court, and under a false interpretation of that record had pretended to be discharged of all manner of servitude both as to their bodies and their tenures, and would not suffer the officers of their lords, either to levy distress, or to do justice upon them. It was in vain that such exemplifications were declared of no force, and that commissions were ordered for the punishment of the rebellious. The villeins by their union and perseverance contrived to intimidate their lords, and set at defiance

Ferment
among the
people.

* Rot. Parl. iii. 88—90. The clergy in convocation granted a similar tax of 6s. 8d. from all prelates, priests both regular and secular, and nuns, and of one shilling from all deacons and inferior clerks. Conc. iii. 150. I observe that the commons assert on this occasion that the wealth of the clergy amounted to one half of that of the laity. Rot. Parl. iii. 90.

the severity of the law.* To this resistance they were encouraged by the diffusion of the doctrines of Wycliffe, that the right of property was founded in grace, and that no man, who was by sin a traitor to his God, could be entitled to the services of others: at the same time itinerant preachers sedulously inculcated the natural equality of mankind, and the tyranny of artificial distinctions; and the poorer classes, still smarting under the exactions of the late reign, were, by the imposition of the new tax, wound up to a pitch of madness. Thus the materials had been prepared: it required but a spark to set the whole country in a blaze.

It was soon discovered that the receipts at the
 Insurrec- treasury would fall short of the expected amount:
 tion. and commissions were issued to different persons
 1381. to inquire into the conduct of the collectors, and
 to compel payment from those who had been favoured or over-
 looked. One of these commissioners, Thomas de
 At Brent- Bampton, sat at Brentford in Essex: but the men
 ford, of Fobbing's refused to answer before him; and
 when the chief justice of the common pleas attempted to punish their contumacy, they compelled him to flee, murdered the jurors and clerks of the commission, and carrying their heads upon poles, claimed the support of the nearest townships. In a few days all the commons of Essex were in a state of insurrection, under the command of a profligate priest, who had assumed the name of Jack Straw.

The men of Kent were not long behind their
 Dartford, neighbours in Essex. At Dartford one of the
 collectors had demanded the tax for a young girl, the daughter of a tyler. Her mother maintained that she was under the age required by the statute: and as the officer was proceeding to ascertain the fact by an indecent exposure of her person, her father, who was just returned from work, with a stroke of his hammer beat out the offender's brains. His courage was applauded by his neighbours. They swore that they would protect him from punishment, and by threats and promises secured the co-operation of all the villages in the western division of Kent.

A third party of insurgents was formed by the
 And Graves- men of Gravesend, irritated at the conduct of sir
 end. Simon Burley. He had claimed one of the burghers as his bondsman, refused to grant him his freedom at a less price than three hundred pounds, and sent him a prisoner to the castle of Rochester. With the aid of a body of

* Rot. Parl. iii. 21. 45.

insurgents from Essex the castle was taken, and the captive liberated. At Maidstone they appointed Wat the tyler of that town leader of the commons of Kent, and led away with them an itinerant preacher of the name of John Ball, who for his seditious and heterodox harangues had been confined by order of the archbishop.* The mayor and aldermen of Canterbury were compelled to swear fidelity to the good cause: several of the citizens were slain: and five hundred joined them in their intended march towards London. When they reached Blackheath their numbers are said to have amounted to one hundred thousand men. To this lawless and tumultuous multitude Ball was appointed preacher, and assumed for the text of his first sermon, the following lines:

June 11.

Sermon of
John Ball.

When Adam delved and Evé span,
Who was then the gentleman?

He told them that by nature all men were born equal: that the distinction of bondage and freedom was the invention of their oppressors, and contrary to the views of their Creator: that God now offered them the means of recovering their liberty, and that, if they continued slaves, the blame must rest with themselves: that it was necessary to dispose of the archbishop, the earls and barons, the judges, lawyers, and quest-mongers: and that when the distinction of ranks was abolished, all would be free, because all would be of the same nobility, and of equal authority. His discourse was received with shouts of applause by his infatuated hearers, who promised to make him, in defiance of his own doctrines, archbishop of Canterbury, and chancellor of the realm.†

* For these different particulars see Knyghton, 2633. Walsingham, 247, and Stowe, 283, 284. Some writers have described Ball as one of Wycliffe's disciples. That he was an itinerant preacher, and that he declaimed with equal vehemence against the clergy, is certain. But he was rather the precursor, as he is styled by Knyghton (2644. 2655), than the follower of Wycliffe. For he took up the profession of an itinerant preacher long before, even during the lifetime of Archbishop Islip, who died in 1366. By that prelate, and his successors Langham and Sudbury, and by several bishops, he had been repeatedly excommunicated for preaching "errors, and schisms, and scandals against the pope, the archbishops, bishops, and clergy." See Wilkins, Conc. iii. 64. 152. When, however, Wycliffe began to dogmatize, he adopted the doctrines of the new teacher, and ingrafted them on his own. Wals. 275.

† Wals. 275. According to Straw's confession after his condemnation, the leaders at Blackheath secretly determined to get possession of the person of the young king, that they might appear to act under his authority: to destroy all the privileged orders in the church and state, preserving only the mendicant friars to perform the offices of religion; then to make away

Proceed-
ings of the
insurgents.

By letters and messengers the knowledge of these proceedings was carefully propagated through the neighbouring counties. Every where the people had been prepared: and in a few days the flame spread from the southern coast of Kent to the right bank of the Humber.* In all places the insurgents regularly pursued the same course. They pillaged the manors of their lords, demolished the houses, and burnt the court rolls: cut off the heads of every justice and lawyer, and juror, who fell into their hands: and swore all others to be true to king Richard and the commons; to admit of no king of the name of John:† and to oppose all taxes but fifteenths, the ancient tallage paid by their fathers. The members of the council saw with astonishment the sudden rise, and rapid spread of the insurrection; and bewildered by their fears and ignorance, knew not whom to trust, or what measures to pursue.

They as-
semble at
Black-
heath.

The first, who encountered the rabble on Blackheath, was the princess of Wales, the king's mother, on her return from a pilgrimage to Canterbury. She liberated herself from danger by her own address: and a few kisses from "the fair maid of Kent," purchased the protection of the leaders, and secured the respect of their followers. She was permitted to join her son, who with his cousin Henry earl of Derby, Simon archbishop of Canterbury and chancellor, sir Robert Hales master of the knights of St. John and treasurer, and about one hundred sergeants and knights had left the castle of Windsor, and repaired for greater security to the tower of London. The next morning the king in his barge descended the river to receive the petitions of the insurgents. To the number of ten thousand, with two banners of St. George, and sixty pennons, they waited his arrival at Rotherhithe; but their horrid yells and uncouth appearance so intimidated his attendants, that instead of permitting him to land, they took advantage of the tide, and returned with precipitation.‡ Tyler and

with the king himself, and to appoint kings of the commons in every county. See it in Walsingham, 265.

* Several of these letters have been preserved. Some of them are in rhyme, containing enigmatical or cant expressions, and are signed by Jakke Milner, Jak Carter, Jak Treweman, probably feigned names, and by Jon Balle. See them in Knyghton, 2637. and Stowe, 294.

† Rot. Part. iii. 99. Nullum regem qui vocaretur Joannes, alluding to the duke of Lancaster, who was believed to exercise the royal authority under the name of his nephew, and therefore regarded as the author of the tax. Wals. 248.

‡ "When they perceived his barge," says Froissart, "they set up such shouts and cries, as if all the devils in hell had been in their company." Froiss. lix.

Straw, irritated by this disappointment, led their men into Southwark, where they demolished the houses belonging to the marshalsea and the king's bench, while another party forced their way into the palace of the archbishop at Lambeth, and burnt the furniture with the records belonging to the chancery.

The next morning they were allowed to pass in small companies, according to their different townships, over the bridge into the city. The populace joined them: and as soon as they had regaled themselves at the cost of the richer inhabitants, the work of devastation commenced. They demolished Newgate, and liberated the prisoners; plundered and destroyed the magnificent palace of the Savoy, belonging to the duke of Lancaster; burnt the Temple with the books and records; and despatched a party to set fire to the house of the knights hospitallers at Clerkenwell, which had been lately built by sir Robert Hales. To prove, however, that they had no views of private emolument, a proclamation was issued, forbidding any one to secrete part of the plunder: and so severely was the prohibition enforced, that the plate was hammered and cut into small pieces, the precious stones were beaten to powder, and one of their number, who had concealed a silver cup in his bosom, was immediately thrown with his prize into the river.* To every man whom they met, they put the question, "With whom holdest thou?" and unless he gave the proper answer, "With king Richard and the commons," he was instantly beheaded. But the principal objects of their cruelty were the natives of Flanders. They dragged thirteen Flemings out of one church, seventeen out of another, and thirty-two out of the Vintry, and struck off their heads with shouts of triumph and exultation. In the evening, wearied with the labour of the day, they dispersed through the streets, and indulged in every kind of debauchery.†

Commit ex-
cesses in
London.
June 13.

Murder the
Flemings.

During this night of suspense and terror, the princess of Wales held a council with the ministers in the Tower. The king's uncles were absent: the garrison, though perhaps able to defend the place, was too weak to put down the insurgents: and a resolution was taken to try the influence of promises and concession. In the morning the Tower-hill was seen covered with an immense multitude,

The de-
mands of
some
granted.

June 14.

* Wals. 249. Knyght. 2635. The Savoy had been rebuilt by Henry duke of Lancaster. It was the most magnificent palace in England. Ibid.

† Wals. 252. Stowe, 285. 288.

who prohibited the introduction of provisions, and with loud cries demanded the heads of the chancellor and treasurer. In return, a herald ordered them, by proclamation, to retire to Mile-end, where the king would assent to all their demands. Immediately the gates were thrown open: Richard with a few unarmed attendants rode forward: the best intentioned of the crowd followed him: and at Mile-end he saw himself surrounded with sixty thousand petitioners. Their demands were reduced to four: the abolition of slavery; the reduction of the rent of land to four pence the acre; the free liberty of buying and selling in all fairs and markets; and a general pardon for past offences. A charter to that effect was engrossed for each parish and township: during the night thirty clerks were employed to transcribe a sufficient number of copies: they were sealed and delivered in the morning: and the whole body consisting chiefly of the men of Essex and Hertfordshire, retired, bearing the king's banner, as a token that they were under his protection.*

The others murder the ministers. But Tyler and Straw had formed other and more ambitious designs. The moment the king was gone they rushed at the head of four hundred men into the Tower. The archbishop, who had just celebrated mass, sir Robert Hales, William Apuldore the king's confessor, Legge the farmer of the tax,† and three of his associates, were seized, and led to immediate execution.‡ As no opposition was offered, they searched every part of the Tower, burst into the private apartment of the princess, and probed her bed with their swords. She fainted: and was carried by her ladies to the river, which she crossed in a covered barge. The royal wardrobe, a house in Carter-lane, was selected for her residence.§

Wat Tyler is killed. The king joined his mother at the wardrobe: and the next morning as he rode through Smithfield, with sixty horsemen, he encountered Tyler at the head of twenty thousand insurgents. Three different charters had been sent to that demagogue, who contemptuously refused them all. As soon as he saw Richard, he made a sign to his followers to halt, and boldly rode up to the king. A conversation immediately began: Tyler, as he talked, affected to play with his dagger: at last

* Rym. vii. 317.

† See Knyght. 2633. 2635.

‡ In Walsingham may be seen a long account of the death of the archbishop, p. 250. His head was carried in triumph through the streets on the point of a lance, and fixed on London bridge. That it might be the better known, the hat or bonnet worn by him was nailed to the skull. Wylk. Conc. iii. 153.

§ Froiss. lix.

he laid his hand on the bridle of his sovereign; but at the instant Walworth the lord mayor, jealous of his design, plunged a short sword into his throat. He spurred his horse, rode about a dozen yards, fell to the ground, and was despatched by Robert Standish, one of the king's esquires. The insurgents who witnessed the transaction, drew their bows to revenge the fall of their leader, and Richard would inevitably have lost his life, had he not been saved by his own intrepidity. Galloping up to the archers, he exclaimed: "What are ye doing, my lieges? Tyler was a traitor. Come with me, and I will be your leader." Wavering and disconcerted they followed him into the fields at Islington: a force of one thousand men at arms, which had been collected by the lord mayor and sir Robert Knowles, hastened to protect the young king: and the insurgents falling on their knees begged for mercy. Many of the royalists demanded permission to punish them for their past excesses: but Richard firmly refused, ordered the suppliants to return to their homes, and by proclamation forbade under pain of death any stranger to pass the night in the city.*

The insurgents
quelled.

On the southern coast the excesses of the insurgents reached as far as Winchester; on the eastern, to Beverley and Scarborough:† and, if we reflect that in every place they rose about the same time, and uniformly pursued the same system, we may discover reason to suspect that they acted under the direction of some acknowledged though invisible leader. The nobility and gentry, intimidated by the hostility of their tenants, and distressed by contradictory reports, sought security within the fortifications of their castles.‡ The only man who behaved with promptitude and resolution, was Henry Spenser the young and warlike bishop of Norwich. In the

Punishment
of the insurgents.

* The history of this insurrection has been transmitted to us, with many variations in the minor circumstances, by Walsingham, 247—278, Knyght. 2633—2644, and Froissart, lvii—lxii.

† Rot. Parl. 5 Rich. II. 32. 95.

‡ The duke of Lancaster was at this time negotiating with the Scots on the borders. Besides the destruction of his property at the Savoy, reports were brought to him that the same excesses had been committed in his castles of Leicester and Tutbury; and that two bodies of ten thousand men each, were lying in wait to intercept him on his return. Other reports stated that his enemies acted under the commands of the king, who had always feared, and now sought to prevent his ambition. All these reports were false (*quæ de facto falsa erant*. Knyght. 2641): but they induced his officers at Pomfret to refuse admission to his dutchess, and the earl of Northumberland to exclude him from the castle of Bamborough. He retired to Edinburgh, till he was honourably recalled by his nephew. Knyght. 2640—2642.

counties of Norfolk, Cambridge, and Huntingdon, tranquillity was restored and preserved by this singular prelate, who successively exercised the offices of general, judge, and priest. In complete armour he always led his followers to the attack: after the battle he sat in judgment on his prisoners; and before execution he administered to them the aids of religion.* But as soon as the death of Tyler, and the dispersion of the men of Kent and Essex were known, thousands became eager to display their loyalty: and knights and esquires from

every quarter poured into London to offer their services to the king. At the head of forty thousand horse, he published proclamations, revoking the charters of manumission which he had granted, commanding the villeins to perform their usual services, and prohibiting illegal assemblies and associations.† In several parts the commons threatened to renew the horrors of the late tumult in defence of their liberties: but the approach of the royal army dismayed the disaffected in Kent: the loss of five hundred men induced the insurgents of Essex to sue for pardon; and numerous executions in different counties effectually crushed the spirit of resistance. Among the sufferers were Lister and Westbroom, who had assumed the title and authority of kings in Norfolk and Suffolk, and Straw and Ball, the itinerant preachers, who have been already mentioned, and whose sermons were supposed to have kindled and nourished the insurrection.‡

Proceed-
ings in
parlia-
ment.

When the parliament met, the two houses were informed by the chancellor, that the king had revoked the charters of emancipation, which he had been compelled to grant to the villeins: but at the same time wished to submit to their consideration, whether it might not be wise to abolish the state of bondage altogether. The minds of the great proprietors were

* Wals. 263, 264.

† Rym. vii. 316.

‡ Knyght. 2643. Wals. 265. 268. When Tresilian, one of the judges, tried the insurgents at St. Alban's, he impaneled three juries of twelve men each. The first was ordered to present all whom they knew to be the chiefs of the tumult: the second gave their opinion on the presentation of the first, and the third pronounced the verdict of guilty or not guilty. It does not appear that witnesses were examined. The juries spoke from their personal knowledge. Thus each convict was condemned on the oaths of thirty-six men. Wals. 276. At first, on account of the multitude of executions, the condemned were beheaded: afterwards they were hanged and left on the gibbet as objects of terror: but as their bodies were removed by their friends, the king ordered them to be hanged in chains: the first instance I have met with of the practice. Wals. 278. According to Holingshead the executions amounted to 1500.

not, however, prepared for the adoption of so liberal a measure: and both lords and commons unanimously replied, that no man could deprive them of the services of their villeins without their consent: that they had never given that consent, and never would be induced to give it, either through persuasion or violence. The king yielded to their obstinacy: and the charters were repealed by authority of parliament.* The commons next deliberated, and presented their petitions. They attributed the insurrection to the grievances suffered by the people from, 1. The purveyors, who were said to have exceeded all their predecessors in insolence and extortion: 2. From the rapacity of the royal officers in the chancery, and exchequer, and the courts of king's bench and common pleas: 3. From the banditti, called maintainers, who, in different counties, supported themselves by plunder, and arming in defence of each other, set at defiance all the provisions of the law:† and, 4. From the repeated aids and taxes, which had impoverished the people, and proved of no service to the nation. To silence these complaints, a commission of inquiry was appointed: the courts of law and the king's household were subjected to regulations of reform: and severe orders were published for the immediate suppression of illegal associations.‡ But the demand of a supply produced a very interesting altercation. The commons refused, on the ground, that the imposition of a new tax would goad the people to a second insurrection. They found it, however, necessary to request of the king a general pardon for all illegal acts committed in the suppression of the insurgents, and received for answer, that it was customary for the commons to make their

* Rot. Parl. iii. 99, 100.

† The existence of the maintainers is a glaring proof of the inefficient administration of justice at this period. They united in large bodies, plundered extensive districts, put to death those who opposed them, compelled the others to pay ransoms for their liberty, and attended the courts, where pleas were held, in such numbers as to intimidate witnesses, juries, and judges. But of all the maintainers, those of Cheshire and Lancashire were the most feared. They often made inroads into the neighbouring counties to the distance of 100 miles. One of their great objects was to carry off the daughters of men of property. Each captive was of course made the pretended wife of one of the party: and a message was sent to her parents, advising them of her marriage, and requiring them to send her fortune to the husband under the peril of their lives. When this was obtained, the unfortunate female was generally restored to her family, but with an admonition, that if any person ill-treated her on account of what had passed, the offender should forfeit his life. As the king's writs did not run in the county palatine, these miscreants were protected from prosecutions brought against them for crimes committed in other parts. See the rolls, iii. 42. 62. 81.

‡ Ibid. 100—102.

grants, before the king bestowed his favours. When the subsidy was again pressed on their attention, they replied, that they should take time to consider of it, but were told that the king would also take time to consider of their petition. At last they yielded: the tax upon wool, wool-fells, and leather, was continued for five years: and in return a general pardon was granted for all loyal subjects, who had acted illegally in opposing the rebels, and for the great body of the insurgents, who had been misled by the declamations of the demagogues.*

This favour, however, was said to have been granted on occasion of the king's marriage at the intercession of his queen, Anne of Bohemia. She was the daughter of the late emperor Charles IV., and sister of Wenceslaus, the present king of the Romans: a princess of great accomplishments, and of still greater virtue, who during the twelve years of their union possessed the affections of her husband, and after her death was long remembered by the people under the appellation of the "good queen Anne."†

1382.
Jan. 22.

* That the tax upon wool might not by repetition be at length claimed as a right, they inserted the following clause in the grant. *Combien qe riens n'y ad le Roi es dites subsidies sinoun par lour grant.* 104.

† Ibid. 103. At first several towns were excepted: but on the representation of the commons it was extended to all but Bury St. Edmunds, p. 118. Many individuals were also excepted by name from the cities of London, Winchester, and Canterbury, and the counties of Norfolk, Suffolk, Kent, Essex, Hartford, Middlesex, Sussex, and Somerset. They amounted to 286. Ibid. 111.—The other proceedings of this parliament are highly interesting, as they point out to posterity the original cause of loans to the public on *parliamentary security*. A grant, continuing the duty on wool, wool-fells, and leather, for four years, had been made to the king, that he might undertake an expedition into France. To raise money on the credit of this grant, he called a council of merchants, those of London by themselves, and two or three from every town in England. They replied that it would be necessary to have the security of parliament. In consequence a new parliament was called (2nd Aug. 1382.) The knights of the shires proposed to the lords to leave the business to the merchants, "for they understood such affairs better than any other estate in the realm." A committee of fourteen merchants from the lower house was appointed: who, after repeated consultations, reported, that on former occasions merchants, who had lent money to the crown, had been ruined by malicious prosecutions, under pretence that they had defrauded their sovereign: that the experience of the past was a sufficient warning to them to refuse loans of money to the crown on any consideration: but that if the lords and commons would advance to the king the sum required (40,000*l.*) the merchants would lend an equal sum to them on their respective securities. This was not accepted, and the parliament was dissolved. *Hot. Parl.* iii. 123. Afterwards, however, when it was found that the crown, by the vexatious proceedings mentioned by the committee, had defeated its own purpose, and that no money could be borrowed by the king on his own credit, ministers were obliged to solicit the aid of parliament: and the reader will, in the next reign, witness the whole legislature join in giving sufficient security to those who were willing to advance money for the public service.

While the principal nations of Europe were thus agitated by popular tumults, the christian world had been thrown into confusion by the opposite pretensions of two competitors for the papacy. Gregory XI., about seventy years after his predecessors had fixed their residence in France, returned against the unanimous advice of the cardinals to Rome.

Schism in
the papacy.
1377.
Jan. 13.

At his death three-fourths of the sacred college consisted of Frenchmen; and the Romans, jealous of their preponderance, surrounded the conclave, and with the most alarming menaces demanded an Italian pope. To appease them the archbishop of Bari was chosen, and assumed the name of Urban VI. For some months he

1378.
Mar. 27.

exercised the pontifical authority without opposition; but his severity alienated his friends, and irritated his enemies: the French cardinals seceded to Anagni; and under pretence that the former election had been made through the influence of terror, another pontiff was chosen, the cardinal of Geneva, who called himself Clement VII.

April 19.

Clement was immediately acknowledged by France, and the allies of France, the kings of Scotland, Spain, Sicily, and Cyprus: England and the rest of Europe continued in their obedience to Urban. From Rome and Avignon, their respective residences, the two pontiffs lanced their anathemas, and preached up crusades against one another. For the latter purpose Urban had invested the warlike bishop of Norwich with extraordinary powers: and the king's council encouraged the plan with the intention of directing the expedition against France: for the war with that power still continued, though of late years it had been confined on both sides to a few predatory incursions by land, and the capture of merchant vessels at sea. With the consent of parliament a contract was signed between the

Sept. 21.

Crusade of
the bishop
of Nor-
wich.

1382.
Dec. 6.

king and the bishop: the former engaged to contribute the produce of a fifteenth lately granted by the laity towards the expense of the enterprise: and the latter to serve against France for the space of a year with two thousand five hundred men at arms, and an equal number of archers.* It was determined that the first object of the army should be to aid the citizens of Ghent, who, after the great battle of Rosebecque, and the reduction of Flanders, still bade defiance to the power of their count and of his patron, the king of France. The prelate took Gravelines by

1383.
May.

* Rot. Parl. iii. 145. 147.

assault; defeated an army of twelve thousand men; entered Dunkirk with the fugitives; and became master of the coast as far as Sluys. Had he been assisted, as he had reason to expect, this promising commencement might have terminated successfully. A numerous body of men at arms was indeed assembled at Dover: but the duke of Lancaster, whose offers had been rejected by parliament, and who envied the progress of his rival, is said to have detained them on the coast: and the bishop was joined by none but needy and desperate adventurers, who perplexed his councils, and controlled him in the command. To satisfy their wish of plunder, and comply with the request of the citizens of Ghent, he undertook the siege of Ypres. The place was long and valiantly defended: the king of France approached with twenty thousand men at arms: the men of Ghent retired; and the English, in a state of mutiny, fled before the arrival of the enemy. A part took possession of Bourbourg: and having repelled the first assault of the pursuers, obtained permission to retire with their booty to Calais. The bishop threw himself into Gravelines; and, after a short defence, demolished the fortifications, and returned to England.* But here his bad success

Oct.

exposed him to the persecution of his enemies. He was accused in parliament of having received a bribe of eighteen thousand francs of gold from the enemy, and of having broken his contract with the king by returning before the twelve months of his service were expired. From the first of these charges he cleared himself to the satisfaction of his judges: but when he attempted to justify his return by the necessity of the case, his defence was not admitted. He had brought, it was replied, that necessity on himself by his own neglect or imprudence; and was therefore condemned to lose his temporalties, till such time as he had paid the full damages to the king. Besides the bishop, four of the principal knights, who had joined in the expedition, were arraigned on a charge of having sold the stores and provisions to the enemy for twenty thousand francs, and were condemned to pay that sum into the exchequer, and to remain in prison till they should make their peace with their sovereign.†

Proceed-
ings against
Wycliffe.

Before we proceed to the subsequent transactions of this reign, it will be proper to resume the history of Wycliffe. The insurrection of the commons had created a strong prejudice against

* Wals. 298—305. Knyght. 2671, 2672. Rym. vii. 372. 382. 385. 391. 395. 399. Froiss. li. lxxv. Froissart may be accurate in his account of the sieges and battles, but it is evident, from the rolls and documents in Rymer, that he was misinformed as to the real object of the expedition.

† Rot. Parl. iii. 133—138. Rym. vii. 424—427.

the new doctrines of that reformer. It may be, that the itinerant preachers had improved on the lessons of their master: but, if we can believe the assertions of the contemporary writers, we must admit, that their sermons were calculated to awaken in the people a spirit of discontent and insubordination, and to bring into contempt the established authorities, both in church and state. A few weeks before the death of the late king, eighteen propositions, selected from the works and lectures of Wycliffe, and relating to the temporal possessions of the church, and the use of ecclesiastical censures, had been laid before Gregory XI.: and about the end of the year, in consequence of the papal letters, the rector of Lutterworth was summoned to explain his opinions in the presence of the primate, and of the bishop of London.* To prepare for the day of trial, he first published a defence of part of his doctrine, in language the most bold and inflammatory. Soon afterwards he composed a second apology, in which, though he assumed a more moderate tone, he avowed his willingness to shed his blood in the defence of his assertions. There is, however, reason to believe, that the new apostle was in no haste to grasp the crown of martyrdom. At his trial he exhibited to the prelates the same paper, but with numerous corrections and improvements. It begins with a profession of his readiness to submit to the correction of the church, and a revocation of whatever he may have taught contrary to the doctrine of Christ. He then proceeds to notice the several propositions, which he explains, qualifies, and defends: but occasionally, to impart to them something like a rational meaning, is compelled to make use of quibbles and evasions, which seem unworthy of a sensible or of an honest man.† This paper, however, such as it might be, was admitted by the bishops as orthodox: and its author was dismissed with an

1377.

May 22.

Dec. 28.

* Wals. 201—204. Lewis, 254—265. Wilk. Con. iii. 116, 117. 123.

† Thus, for example, he had taught that “charters of perpetual inheritance were impossible, that God himself could not give to man civil possessions for ever.” He now declared that by the words “for ever,” he meant after the day of judgment. His opinions were therefore consonant to the first principles of religion, and did not affect civil possessions at present. Again, he had taught that “if there were a God, temporal lords might lawfully and meritoriously take away worldly goods from a delinquent church.” He protested that by this doctrine it was not his meaning that temporal lords might take away such goods of their own authority: but that if there were a God, he was almighty: if he was almighty, he had the power to command temporal lords to take away the goods of the church; and if he should command them, then they might do it lawfully and meritoriously. There are many other explanations of a similar nature. Wals. 206, 207.

order to abstain from the use of language so calculated to perplex and mislead the ignorant. By some, it is said, that the two bishops were intimidated by a message from the princess of Wales: by Wycliffe himself his escape was considered and celebrated as a triumph.*

Synod in
London. From this period, till the insurrection of the commons, the rector of Lutterworth employed himself in directing the operations of the poor

priests; and gradually turned his attacks from the possessions to the doctrines of the church. As soon as tranquillity was restored, the bishop of London succeeded the primate, who had been murdered: and one of his first measures was to call

1382.
May 17. a synod of divines, in which four-and-twenty opinions, zealously inculcated by the new preachers, were censured; ten as heretical, fourteen as erroneous, and of dangerous tendency.† It chanced that, while

the synod was sitting, an earthquake shook the metropolis: a circumstance, which the policy, or the fanaticism, of Wycliffe converted into a proof of his doctrine.—“The erth tremblide,” he writes, “for they put an heresie upon Crist and the seyntes in hevyn. Fay (faith) land, mannus voice answeyde for God, als it did in tyme of his passione, whan he was dampnyde to bodely deth.”‡ From this condemnation he appealed to the protection of the duke of Lancaster, by his disciples Hereford and Rapyngdon: but that prince rejected

the application; the messengers themselves were compelled, after some tergiversation, to recant;§ and a royal mandate was sent to Oxford, suspending Wycliffe from the office of teaching, and ordering all his works to be seized, and forwarded to the archbi-

shop in their existing state, without erasure or alteration.|| Unwilling, however, to bend to the storm, he sought to shelter himself under the protection of the parliament: and presented a petition “for the maintainance of the christian faith,” by which he artfully endeavoured to array in favour of his tenets, the passions and prejudices of the nation. He prayed, that the error of those, who had condemned the doc-

* These three papers may be found in Walsingham (ibid.) and in Lewis, who transcribed them from Selden’s MSS. (p. 318. 329). There is no date to any of them: but their contents seem to point out the order in which they succeed each other.

† Wilk. Conc. iii. 157.

‡ Knyght. 2650.

§ The whole process, with the evasions, the excommunication and recantation of Hereford and Rapyngdon, may be seen in Wilkins, Con. iii. 160—166, 167, and Knyght. 2655.

|| Rym. vii. 363.

trine of the itinerant preachers, might be amended and published: that Christ's own doctrine respecting the eucharist might be openly taught in the churches: that the members of the religious orders might have full liberty to secularize themselves: that tithes might be applied to those purposes only, for which they were ordained by God's law, and the pope's law; and that no more taxes should be laid upon the people; but that the wants of the nation should be supplied from the incomes of delinquent clergymen, and the superfluous revenues of the church, which were in reality the patrimony of the poor.*

In this petition he was partially successful. Immediately after the synod, the bishops had procured an act of parliament, which stated that, whereas several persons under the mask of extraordinary sanctity, went from place to place, preached without authority in churches, church-yards, fairs and markets, inculcated false doctrines, excited dissensions between the different estates, prevailed on the people to support them by open force; and refused to obey the citations of their ordinaries; the sheriffs should be bound, on the certification of the prelates, into the chancery, to arrest such offenders and their abettors, and to confine them till they were willing to plead in the ecclesiastical courts. On the representation of the commons, that this act had been passed without their consent, and that they did not mean to subject themselves to the jurisdiction of the prelates in any other manner than their ancestors had been, it was repealed with the approbation of the king and the lords.† But Wycliffe's success ended here. His appeal on doctrinal matters, from a spiritual to a lay tribunal, scandalized some of his most powerful partisans: and the duke of Lancaster, hastening to Oxford, advised him to submit to the judgment of his ordinary. He reluctantly assented, read a confession of faith in presence of the primate and the bishops of Lincoln, Norwich, Worcester, London, Salisbury, and Hereford, and retiring to the rectory of Lutterworth, was suffered to remain there without farther molestation. Two years afterwards, as he was assisting at the mass of his curate on the feast of the innocents, at the moment of the elevation of the host, a stroke of apoplexy deprived him of the use of his tongue, and of most of his limbs. He lingered two days, and expired at the close of the year 1384.‡

His death.
1384.
Dec. 30.

* Wals. 283. MS. C. C. C. apud Lewis, p. 83.

† Rot. Parl. iii. 124. 141. Gascoigne apud Lewis, 286. Let. Coll. iii. 409.

‡ Wood, Ant. Oxon. 189.

His doc-
trines.

Before I proceed, I may be allowed to add a few particulars respecting the character and sentiments of this extraordinary man. Exemplary in his morals, he declaimed against vice with the freedom and severity of an apostle: but, whether it were policy or prejudice, he directed his bitterest invectives almost exclusively against the clergy. His itinerant priests formed indeed an honourable exception: they were true evangelical preachers: but the rest, the pope, bishops, dignitaries, and the whole body of "clerks possessioners," were no better than liars and fiends, hypocrites and traitors, heretics and antichrists. That many among them, as must always happen in old and wealthy establishments, may have deserved some of these appellations, is probably true: but the zeal of the new apostle could make no discrimination; and he determined to lay the axe to what he deemed the root of the evil, their worldly possessions. He contended that they were bound to lead a life of poverty in imitation of their master:* that their temporalities were given to them to be employed to the honour of God; and, therefore, might be lawfully taken away, as soon as they were diverted to any other purpose:† that to pay tithes and dues to an incumbent, who spent his income in vanity and luxury, was to co-operate in his sins: and that secular lords were not only permitted, but bound under pain of damnation, to deprive of its possessions a church habitually delinquent.‡ It will not excite surprise, if invectives so coarse, and doctrines so prejudicial to their interests, alarmed and irritated the clergy. They appealed for protection to the king and the pontiff: but though their reputation and fortunes were at stake, they sought not to revenge themselves on their adversary, but were content with an order for his removal from the university to reside on his own living. If the reader allot to *him* the praise of courage, he cannot refuse to *them* the praise of moderation.

* Apud Lewis, p. 292. He maintained that the man, who taught it to be lawful to endow churchmen, was the greatest of heretics and antichrists. Trialog. iv. 15. His seven arguments in favour of this doctrine were answered by Woodford, Fascicul. rer. expetend. i. 221—230.

† Wycliffe's explanation apud Lewis, 325. xvii.

‡ Dicimus non solum quod illis licet hoc facere, sed quod debent sub pœna damnationis gehennæ, cum debent de sua stultitia pœnitere, et satisfacere pro peccato, quo Christi ecclesiam macularunt. Trial. iv. 18. Yet he afterwards attempted to explain it away. "If this be error, as they seyn falsy, then the king and secular lords may take no farthing ne farthing-worth fro a worldly clerk, tho he owe him and his liege men never so much good, and may well paye it and wole not." Great sentence of curse expounded, apud Lewis, p. 99.

On many points of doctrine it is not easy to ascertain the real sentiments of this reformer. In common with other religious innovators, he claimed the twofold privilege of changing his opinions at will, and of being infallible in every change: and when he found it expedient to dissemble, could so qualify his doctrines with conditions, or explain them away by distinctions, as to give an appearance of innocence to tenets of the most mischievous tendency. For the church as it originally existed, and as it continued to exist for a thousand years, he professed the most unfeigned veneration. It was then pure in doctrine, perfect in discipline, and free from the contagion of avarice. But at the expiration of the tenth century, the prediction in the apocalypse was literally fulfilled. The great dragon, that had been chained for a thousand years, was loosed: and the first use which he made of his liberty was to scatter from his tail the new religious orders, which with unexampled rapidity diffused themselves over the christian world. From that moment faith, discipline, and morality, were corrupted; and the re-establishment of the gospel was reserved for the exertions of Wycliffe and his "poor priests."*

Of the
church.

His favourite maxim that dominion or the right to property, is founded in grace, seems to have been generated from a strange amalgamation of feudal and theological notions. He argues, that forfeiture is confessedly the punishment of treason: now every sin is a treason against God: of course the sinner must forfeit whatever he holds of God, and consequently all right to authority or property: since, of whomsoever he may hold them immediately, originally they are derived to him from God.†

Of property
founded in
grace.

He admitted seven sacraments with the catholic church; but differed from it in explaining the nature of the eucharist; and the contract of matrimony. On the former, if he frequently made use of orthodox language, he still more frequently taught a doctrine similar to the impanation of Luther. In his confession, where he might be expected to speak plainly, he has intrenched himself behind so many unintelligible distinctions, that it will be difficult for the most acute logician to discover his meaning:‡ in his other works he repeatedly teaches, that at the

Of the se-
ven sacra-
ments.

* Trialog. iv. 32, 33.

† Trialog. iv. 17. In favour of this opinion he advances eleven arguments, answered by Woodford, 232—250.

‡ *Sæpe confessus sum et adhuc confiteor quod idem corpus christi in nuncero, quod fuit assumptum de virgine ipsum, inquam, idem corpus et eadem substantia est vere et realiter panis sacramentalis seu*

consecration the bread, without ceasing to be bread, becomes the very body of Christ which suffered on the cross: so that the nature of bread is not destroyed, but is exalted into a substance of greater dignity.*

Of matrimony. On matrimony he hazarded several extraordinary opinions: that the usual contract, in which it is said, "I take thee to wife," contains a falsehood, and is consequently void: that, however, the consent of the mind is sufficient without any expression of that consent in words: but that women, who have passed the time of child-bearing, cannot lawfully be married, either with words or without them. His arguments on these subjects are mere verbal quibbles.†

Of the hierarchy. The priests, who truly preached the gospel, were, in his opinion, the real and the only members of the hierarchy: all, who opposed them, were antichrists, and the proctors of Satan. Of these he numbered twelve classes, beginning with the pope, and ending with the mendicant friars.‡ Yet he affirmed, that "prelates and priests ordeyned of God, comen in the stede of apostles and disciples, and that the pope is highest vicar that Christ has here in earth."§

Of other points. He inculcated the doctrine of purgatory, and strenuously maintained the efficacy of the mass:¶ but while he admitted the necessity, he censured the multitude of ceremonies,¶ and loudly inveighed against the custom of singing in the churches.** He also disapproved

hostia non tamen audeo dicere quod corpus christi sit essentialiter, substantialiter corporaliter vel ydemptice ille panis conceditur quod corpus christi est quantumcunque varie quantificatum ibi, cum sit qualibet pars quantitativa illius hostie, &c. &c. Confessio Mag. Joa. Wyclyff, apud Lewis, 272.

* "It is a verray Goddus body in fourme of brede it is verray Goddus body and verray brede." Knyght. 2649. "The right faith of Christen men is this, that this worshipful sacrament is bread and Christ's body." MS. apud. Lew. 78. See also Trialog. iv. 4. 27.

† Take for example his argument against the contract. No woman is a man's wife till she has given her consent: but in the marriage ceremony the man says, "I take thee to wife," before the woman has given her consent; therefore he says what is false: and consequently the contract is null. See Trial. iv. 20. 22. Woodford, 214.

‡ Trialog. iv. 26.

§ MS. of prelates, apud. Lew. p. 129.

¶ "The seying of mass with clenness of holy life, and brenning devotion full much, and neet honda, most pleaseth God almighty, and profiteth to christen souls in purgatory." MS. apud Lew. 131.

¶ Trial. iv. 11.

** "When there ben fourty or fifty in a queer, three or four proud and lecherous lorels shullen knock the most devout service that no man shall

of indulgences, sanctuaries, and pilgrimages, as calculated rather to enrich the clergy than to nourish devotion.*

Wycliffe's opinions, echoed and re-echoed from the pulpits of his "poor priests," made numerous proselytes. Men crowded to hear the new preachers. The novelty of their manner, the severity with which they arraigned the real or imputed vices of their spiritual superiors, and the boldness of their invectives against the dues, the claims, and the privileges of the clergy, interested the passions, and won the assent of their hearers. But there was another weapon which the rector of Lutterworth wielded with equal address and still greater efficacy. In proof of his doctrines he appealed to the scriptures, and thus made his disciples judges between him and the bishops. Several versions of the sacred writings were even then extant: but they were confined to libraries, or only in the hands of persons who aspired to superior sanctity.† Wycliffe made a new translation, multiplied the copies with the aid of transcribers, and by his poor priests recommended it to the perusal of their hearers. In their hands it became an engine of wonderful power. Men were flattered by the appeal to their private judgment: the new doctrines insensibly acquired partisans and protectors in the higher classes, who alone were acquainted with the use of letters; a spirit of inquiry was generated; and the seeds were sown of that religious revolution, which in little more than a century astonished and convulsed the nations of Europe.

His translation of the scriptures.

State of the government.

The king had now reached his seventeenth year. The resolution and intrepidity which he had displayed during the insurrection, seemed to portend a fortunate and glorious reign: and the qualities of his heart were recommended by the superior beauty of his person, and the elegance of his manners. But, to whatever cause it were owing, to the inexperience and prodi-

hear the sentence, and all other shullen be dumb, and looken on them as fools. And then strumpets and thieves praisen sire Jack, or Hobb and William the proud clerk, how smallen they knacken their notes, and seyn that they serven well God and holy church, when they despisen God in his face, and letten other men of their devotion and compunction, and stirren them to worldly vanity." MS. of prelates, apud Lew. 134.

* Ibid. 137. 350.

† "The hole byble was long before Wickliffe's days by vertuous and well learned men translated into the English tong, and by good and godly people with devotion and soberness wel and reverently red." Sir Tho. Moor, Dialog. iii. 14. Some manuscript remains of these ancient versions are still preserved. See History of English translations, prefixed to "Wiclif's New Testament," by Lewis, p. 4.

gality of his youth, or to the ambition of his uncles, or the turbulence of his people, his reign from this period became a succession of errors and misfortunes, which involved him repeatedly in distress, and ultimately cost him his crown and life. The ministers, whom design or accident placed near his person, were not selected from the higher classes in the state: and when, as it was natural to expect, by their attention they had secured his attachment, the favour which they enjoyed was construed into a crime, and every benefit which they received was deemed an injury by the more noble and ancient families. This systematic opposition to his favourites exasperated the mind of the king; and induced him to lend an at-

Suspensions
against
the duke
of Lan-
caster.

tentive ear to the jealousies and apprehensions, suggested by the officious friendship of those around him. The reader will recollect, that at first the duke of Lancaster was the chief object of suspicion; and that the reports which had then been circulated, on no better ground perhaps than his great power, and his proximity to the throne, had been renewed during the late insurrection. The prince thought proper to seek an asylum at the Scottish court: nor did he return, till the king by proclamation bore testimony to his innocence, and

1383.
Nov.

authorized him to travel with a body-guard, for the better security of his person.* When the bishop of Norwich had closed his ill-fated crusade, the duke concluded an armistice with France, in which the

1384.
March.

Scots were comprehended: but, as they still continued the war, he led a numerous army across the borders, burnt the huts of which their towns were composed, and inflicted on them a more serious injury by cutting down their forests, in which they had been accustomed to elude the pursuit of the English.† At his return from this expedition, the reports of his disloyalty were revived: and, during the parliament at Salisbury, a carmelite friar put into the king's hands the written particulars of a real or pretended conspiracy to place the crown on the head of his uncle. Richard was advised to communicate it to the duke; who swore that it was false, offered to prove his innocence by battle, and required that the informer might be committed to close custody for future examination. The friar persisted in his story, and was given to the care of sir John Holand the king's uterine brother;‡ who strangled him with his own

* Rym. vii. 318, 319.

† Knyght. 2673. He assures us that for this last purpose no fewer than 80,000 axes were employed at the same time. Ibid.

‡ The princess of Wales had for her first husband sir Thomas Holand,

hands during the night, and ordered his body to be dragged through the streets in the morning as that of a traitor. This dark and mysterious murder did not remove the secret suspicions of Richard; but the lord Zouch, whom the friar had mentioned as the author of the memorial, declared on his oath that he was ignorant of its existence; and the earl of Buckingham, another of the king's uncles, bursting into the room with his sword drawn, swore he would murder the first man who should charge his brother with treason.* The king dissembled: and Lancaster crossed the sea to obtain a prolongation of the armistice. A resolution was, however, taken to arrest him at his return: but he disappointed his enemies; and shut himself up in his strong castle of Pontefract, till the king's mother, by repeated journies and entreaties, reconciled the uncle and nephew, and also obtained a full pardon for her own son, sir John Holand.†

May.

In consequence of a treaty concluded at Paris, the king of France had sent to Scotland an aid of one thousand men at arms under the command of Vienne, with a subsidy of forty thousand francs of gold, and armour for the equipment of a thousand Scottish knights and esquires. It is amusing to read in Froissart the complaints of the Frenchmen after their arrival. The country was wild: the people were uncivilized: even Edinburgh, the capital, was inferior to the provincial towns of Tournay or Valenciennes. There were no banquets, no balls, no tournaments. The strangers were compelled to purchase the coarsest fare at an exorbitant price: and the jealousy of the natives refused forage for their horses, and hourly laid snares for their lives. For a long time only two

French in
Scotland.1385.
May.

who in right of his wife was created earl of Kent, and lord Wake of Liddel. She bore him two sons, Thomas Holand, who inherited the honours of his father, and John Holand, afterwards created earl of Huntingdon, and duke of Exeter.

* Wals. 309, 310.

† Rym. vii. 46.—In a parliament held about the end of the year, a petition was received from the celebrated Alice Perrers. Soon after her condemnation, sir William Windsor, her husband, had presented a bill of errors against it. He stated in particular, that she had been impeached as a feme sole, though she had long been his wife; that she was tried in her absence; and that to obtain a favour from the king, the act of which she had been convicted was a very different thing from soliciting causes in the courts, which alone had been forbidden by the statute. In return he obtained the restoration of her lands, with the exception of four manors, on condition that he served with 100 men at arms against France. He was now dead, and at her petition the judgment against her was entirely revoked, with a proviso that all alienations of property made in consequence of it, should be deemed valid. Rot. Parl. iii. 40. 186. 327.

of the nobility, the earls of Douglas and Moray, condescended to visit them: and when they were at last introduced to the king, they were shocked with "his red bleared eyes, of the colour of sandal wood, which convinced them that he was no warrior." It was the interest of the French to commence the campaign immediately: but the Scots demanded to be paid for fighting their own battles: and the forty thousand francs were distributed among them, before they could be brought into the field. They burst at length into Northumberland, and took three castles in the marches: but the approach of Richard with an army of eighty thousand men compelled them to retire with precipitation.*

Richard
at York.
July.

This was the first time that the young king had appeared at the head of an army: but his progress was arrested at York by an unfortunate circumstance, which cast a gloom over the sequel of the expedition. In the city, or its neighbourhood, the son of the earl of Stafford, one of the royal favourites, was basely assassinated by the hand of sir John Holand. The father and the relatives of the slain loudly demanded justice; the queen mother implored the mercy of her son in favour of his brother. But Richard, who had not forgotten the death of the friar, was inexorable. He confiscated the property of the assassin, and threatened him with the gallows, if he ever left the sanc-

July 8. tuary of St. John of Beverley. In a few days the unhappy mother died of grief: her guilty son waited till the anger of the king had subsided, obtained his pardon, and married Elisabeth second daughter of the duke of Lancaster.†

* Froiss. iii. xii. Rym. vii. 484. The distribution of the money may be seen in Rymer. It was given to men of every rank, from the cardinal of Scotland (Wardlaw bishop of Glasgow) who received 6000 francs, to John Gray, who was compelled to content himself with ten. Ibid. The quarto register of Robert II. quoted by Mr. Pinkerton in his history of Scotland (vol. i. p. 165) contains the agreement between the Scots and their auxiliaries before they began their expedition. It provides for the safety of persons bringing provisions to the army in its march to the borders, and forbids pillage under the penalty of death. All are to wear a white cross of St. Andrew before and behind. If a Frenchman insult a Scot, he is to be arrested by the Scots, and brought before his own chief, and vice versa. The punishment for a riot is the loss of horse and armour, if the offender be a knight: of a hand or an ear if he be not. The same punishment is to be incurred by the man, who shall set fire to a church in England, kill a woman or child, or commit a rape. The prisoner shall belong to the man, who first received his hand.

† Wals. 316. Froissart attributes the murder to Holand's wish to be revenged for the death of one of his esquires, who in a quarrel had been killed by an archer belonging to Sir Ralph Stafford. Froiss. xiii.

At length the king reached the borders: and the Scots, sensible of their inability to arrest, did not attempt to oppose, his progress. Edinburgh, Dumfermline, Perth, and Dundee were reduced to ashes; and the vanguard had reached the walls of Aberdeen, when advice was received that the Scots were ravaging the counties of Westmoreland and Cumberland, and that Vienne had actually laid siege to Carlisle. By the advice of the duke of Lancaster, it was resolved to march back to the frontiers, and to intercept the enemy in their return: but during the night fresh suspicions were infused into the mind of the king by the chancellor, sir Michael de la Pole; and the next morning he angrily told his uncle: "You, sir, may go with *your* men, wherever you think best. I with mine shall return to England."—"Then I shall follow you," rejoined the duke; "for there is not a man in your company, who loves you as well as I and my brothers. And if any one but yourself dare advance the contrary, I am ready to throw him my glove." The army was disbanded: and the Scots and French boasted that the havoc, which they had wrought in Cumberland and Westmoreland, more than balanced the destruction caused by the English in Scotland.*

He enters
Scotland.
Aug. 1.

Aug. 30.

In the next parliament the king confirmed the honours which he had bestowed during the expedition on the borders of Tiviotdale. His uncles, the earls of Cambridge and Buckingham, who had been created dukes of York and Gloucester, were invested with the sword, coronet, and cap of state, and received for the support of their new dignity a grant of lands from the crown to the yearly value of one thousand pounds. Henry of Bolingbroke son to the duke of Lancaster, and Edward Plantagenet son to the duke of York, were made earls of Derby and Rutland: Robert de Vere earl of Oxford, with the title of marquess of Dublin, obtained a grant for life of the revenue of Ireland, on condition of paying the yearly sum of five thousand marks into the exchequer: and Michael de la Pole was created earl of Suffolk, with the reversion of the estate of the late earl on the deaths of his widow and of the queen. Richard trusted that the princes of the blood, pleased with their own honours, would view the preferment of these two favourites with less jealousy:† but at the same time to cut off the ambitious hopes of his uncle Lancaster, he declared Roger earl of March, the

Promotions.
Nov. 3.

* Wals. 316, 317. Froiss. xiv. xv. xvi. Ford. xiv. 49. 50.

† Rot. Parl. iii. 205—210. Rym. vii. 482. 505. Knyght. 2675.

grandson of Lionel duke of Clarence, the presumptive heir to the throne.*

Duke of
Lancaster
goes to
Spain.

During the sitting of parliament, an embassy from Portugal arrived in London. A few years before, Ferdinand the late king had concluded an alliance against the king of Castile, with the duke of Lancaster, and the earl of Cambridge, who advanced pretensions to the succession of that crown in right of their respective wives. The earl with a small but gallant army sailed to Lisbon; the duke had engaged to follow him: but his departure was prevented by the insurrection of the commons; and Ferdinand finding himself unequal to the contest, concluded a peace with his adversaries. This king had forcibly carried off Leonora, the wife of Lorenzo d'Acunha, who was crowned queen, and bore him a daughter named Beatrice. While the earl of Cambridge remained at Lisbon, his son John was married to the princess. They were both of the same age, in their tenth year: but the earl, at his departure, refused to leave his son behind him; and Ferdinand soon after gave the princess, his only child, in marriage to John king of Castile, his former enemy. That prince, at the death of his father-in-law, demanded the crown in right of his wife. His claim was admitted by the nobility; but the four cities of Lisbon, Coimbra, Oporto, and Ourique, declared that they would never acknowledge the pretensions of an illegitimate daughter, whose mother's husband was still alive; and offered the crown to John, natural brother to the late king, and grand master of the order of Avis; who, to preserve himself on the throne, solicited the aid of the duke of Lancaster against their common enemy. The duke accepted the proposal with pleasure: Richard was glad of any pretext to remove him out of the kingdom; and of the supply voted for the year, one half was appropriated to defray the expenses of the expedition.† The winter was spent in collecting an army of twenty thousand men, in which were two thousand men at arms, and eight thousand archers. Before its departure the king presented his uncle, and the queen presented the dutchess, with rich crowns of gold. The expedition sailed from Plymouth,‡ touched at Brest to relieve the garrison, and landed at Corunna. By the reduction of Galicia, a road was opened into Portugal,

1386.
July 9.

* *Lel. Coll.* ii. 481.

† *Rot. Parl.* iii. 204.

‡ It was escorted by a Portuguese squadron of ten ships of wonderful magnitude, and of six galleys, some of which were worked with three hundred oars. *Knyght.* 2676.

where the duke was met by king John, and to cement their friendship a marriage was celebrated between that prince and Philippa the eldest daughter of Lancaster, by his first wife. But the next campaign proved unfortunate. The English army wasted away under the heat of the climate: the conquests made in the last year were rapidly lost; and the duke himself, to recover his health, was compelled to quit Portugal, and to take up his residence in Guicenne. But these disasters were repaired by his policy. The duke of Berri had proposed to marry Catherine, Lancaster's only issue by his present wife Constantia, and heiress to her mother's pretensions to the crown of Spain. It was contrived, that intelligence of this proposal should be conveyed to the king of Castile, who immediately took the alarm, and offered to compromise the quarrel between the families, by the marriage of Henry, his son and heir, to the same princess.* The offer was accepted. Constantia waived her claim to the throne in favour of her daughter: the succession after the death of the present king, was settled on Henry and Catherine, and their issue, and in failure of them, on the issue of the duke of York by Isabella, the sister of Constantia. Two hundred thousand crowns were paid to Lancaster to defray the expenses of the late expedition, and an annuity of one hundred thousand florins was settled on him, and another to the same amount on the dutchess, during their respective lives. Henry and Catherine were married, and created prince and princess of Asturias. Their issue reigned over Spain for many generations.†

1387.
May.

Threaten-
ed invasion
from
France.

If Richard mistrusted the ambition, he soon found reason to lament the absence, of ~~Lancaster~~, whose authority had hitherto checked the warmer passions and more precipitate councils of his brother, the duke of Gloucester. But that prince now assumed the ascendancy; fomented the discontent of the nobility; new modelled the government; and left to his nephew little more than the empty title of king. The French, encouraged by the absence of the army in Spain, had seriously formed the design of invading England. Their preparations of arms, provisions, and ships were immense. Every baron and knight seemed ambitious of retaliating on the English those injuries which they had so frequently inflicted on France: the cavalry and infantry collected for the expedition exceeded one hundred thousand men; and the fleet, which had assembled in the port of Sluys, to use the exaggeration of

* Froiss. ix. 24. 46. Walsing. 342.

† Rym. vii. 603. Knyght. 2673. Wals. 342.

a contemporary, was so numerous, that if the vessels had been laid side to side, they would have formed a bridge from one country to the other. The intelligence of this formidable armament spread universal dismay: but levies were made, beacons formed, and troops collected in the most favourable situations. The earl of Arundel received the command of the fleet, with instructions to destroy the ships of the enemy as soon as they had landed their forces: and orders were issued to the troops to lay waste the country before the invaders, and avoid a general engagement.* The confidence of the na-

Dissention
between
the king
and his
uncle of
Gloucester.

tion revived: but the opportunity was seized by the great barons, under the guidance of the duke of Gloucester, to plot among themselves the overthrow of the administration. They contended that the king's officers converted the public revenue to their private emolument: that the commons, by continual taxation, had been impoverished: that the higher classes could not procure the payment of their rents; and that the tenants were in many places compelled to abandon their farms through distress.† How far these evils were chargeable on the administration, it is impossible to ascertain: that the young king was fond of expense in his household, we know: but it is also true that during the last year he had voluntarily remitted to the people a tenth and fifteenth, which had been granted to him in parliament.‡ The intended invasion, from unforeseen occurrences, was delayed from week to week, till it became necessary to postpone it to the following year: and Richard summoned a parliament to meet at Westminster, in which the two parties made the experiment of their strength. The ses-

1386.
Oct. 1.

sion was opened by a speech from the earl of Suffolk, the chancellor, who informed the houses that in a great council at Oxford the king had proposed to lead an army into France in support of his right to the French crown: that it would be their duty to deliberate on the expediency or in expediency of such a measure: and that, if it met with their approbation, they would be careful to provide the funds, which would be necessary to defray its expense. But the lords and commons, instead of applying to these subjects, returned with a joint

* Froiss. viii. 7. 8. Knyght. 2679. The constable of France had ordered a fortress of wood to be formed in the frame work; and to be shipped for the use of the king, after he should have landed. But during the voyage from Treguier to Sluys his fleet was dispersed, and three ships with the frame work and carpenters were taken. Richard ordered it to be put together, and exhibited at Winchelsey. Froiss. viii. 15. Knyght. 2679.

† Knyght. 2685.

‡ Rym. vii. 471. Rot. Parl. iii. 98.

petition for the removal of the ministers and the members of the council, particularly of the chancellor, whom it was intended to impeach, as soon as he should be deprived of office. Richard, if we may believe the suspicious assertions of his enemies, resolved at first to seize and imprison the chief of his opponents: but having sounded the dispositions of the mayor and citizens, and finding that he could not rely on their assistance, he abandoned the design, retired to his palace at Eltham, and ordered the two houses to proceed to the consideration of the supply. They refused to obey, until he should grant their petition, and return to his parliament.

Oct. 23.

After a struggle of almost three weeks he came to Westminster, dismissed the obnoxious ministers, gave the seals to the bishop of Ely, and appointed the bishop of Hereford treasurer. But this condescension, instead of mollifying, encouraged his adversaries:

Oct 24.

and the commons resolved to impeach the earl of Suffolk, the late chancellor, of high crimes and misdemeanors. Richard ordered them to send to him a deputation of forty knights; and received a refusal, under the pretence that the lives of the deputies would be in danger. At length a compromise was effected: and the king attended in parliament, as soon as he received a promise that none of his favourites or counsellors should be molested, excepting the chancellor.*

The first instance of a prosecution by the commons in parliament, occurred about the close of the last reign, and has been noticed already: this is the second, but of greater interest from the more elevated rank, and important situation of the accused. The bill of impeachment was divided into seven heads, charging the earl with having obtained from the king grants beyond his deserts, and contrary to his oath;†

* Compare Knyghton (2680—2683) with the rolls of parliament (iii. 215. 231. 233. 242. 374.) Knyghton tells us that the king remained forty days at Eltham, which must be a mistake, as he appears from different articles in Rymer to have been at Westminster on Oct. 23, 24. 27, and Nov. 2. 8. 22. Rym. vii. 547—550.

† In taking the oath as chancellor, he had sworn “not to permit the loss or disherison of the king, but to do and seek his profit as far as he could do it with reason.” Hence it was maintained that knowing the king’s wants, he could not accept of any grant from him. He replied that the words had not that meaning: that he could accept a grant from the king as well as any other person: and that the grant to him, with those to the duke of Gloucester and others, was confirmed in parliament. But in the judgment pronounced against him, it was said, that no confirmation of the grant could be found on the rolls: a direct falsehood, as it is entered there exactly in the same words as the grant to Gloucester himself, to which no objection was made. *Præsentibus prælatis, proceribus, magnatibus, ac tota communitate.* Rot. Parl. iii. 206. 209.

with having enriched himself by defrauding the crown; and with having put the great seal to illegal charters and pardons. He had intrusted his defence to his brother-in-law, sir Richard Scroop: but the lords observed that it would be more to his honour if he should conduct it himself, and he went through the different charges in order, contending that the more criminal of them were unfounded; and that the others did not include any legal offence. As to his deserts he determined to be silent, but hoped that what he had suffered for the king would not be forgotten. Here, however, sir Richard Scroop interposed. The accused, he remarked, had served in war thirty years as a knight banneret without disgrace or reproof: had thrice been a captive in the hands of the enemy, twice as a prisoner of war, once as envoy to a foreign state; and had been governor of Calais, admiral of the fleet, and often ambassador from the king. Nor was he raised from a low situation to the dignity of an earl: but was at the time, and had long been, a privy counsellor, and chancellor, and possessed the property necessary for the support of that rank which was next to the rank of an earl. The managers for the commons were heard in reply, and the earl in rejoinder: after which, at the petition of his accusers, he was given in custody to the lord constable, and immediately enlarged upon bail. Within a few days the king and lords agreed in their award, by which he was acquitted on four of the charges; on the others his answers were pronounced insufficient; and he was therefore adjudged to forfeit the several sums specified in those charges, and to be confined in prison during the king's pleasure.* It is needless to say that soon after the dissolution of the parliament he was released.

This prosecution deserves to be remembered by posterity, as it confirmed to the commons their new claim of impeaching the ministers of the crown: but both the proceedings and the result seem to prove that the administration of Richard had not been so arbitrary and oppressive, as we might otherwise have been led to suppose; and will justify a suspicion that the prosecution of the chancellor had been undertaken for the purpose of intimidation rather than of punishment. But now the objects of the party in opposition to the court more clearly unfolded themselves; and it was proposed to imitate the precedents of the reigns of John, Henry III., and Edward II., by establishing a permanent council with powers to reform the state of the nation. To such a measure the king declared that he would never give his assent. He threat-

* Ibid. 216—220.

ened to dissolve the parliament: and the commons, to terrify him, sent for the statute by which Edward II. had been deposed from the throne.* At length one of the lords represented to him, by desire of the duke of Gloucester and the earl of Arundel, that if he should persist in his refusal, his life would be in danger: that the lords and commons would separate without his permission: and that he would then see in what a forlorn and abandoned state he would

Nov. 19.

be left.† At length his obstinacy was subdued: and with a reluctant hand, he signed a commission to eleven prelates and peers besides the three great officers of state, appointing them a permanent council to inquire into the conduct of the officers in his household, courts of law, and every part of the kingdom; to examine into the accounts of the treasury, the gifts and pardons which had been granted, and the grievances of the people; to hear and determine all complaints which could not be redressed by common course of law; and to provide such remedies for all abuses as should appear to them good and profitable.‡ The duke and earl were of the number; and as the majority of their colleagues belonged to the same party, they possessed, in effect, the whole power of the government. To protect them in the execution of their office, the commons petitioned that from the moment any opposition should be made to their authority, the payment of the subsidy, which had been voted, should cease; and that the authors, advisers, or abettors, of such opposition should for the first offence be liable to forfeiture and imprisonment, and for the second to the loss of life or member.§ Richard gave his assent: but refused to extend the duration of the commission beyond twelve months; and at the close of the session had the courage to protest openly and in person against any thing done in that parliament, which might turn to his prejudice, or prove contrary to the liberties and prerogatives of his crown.||

Nov. 28.

The commissioners appear to have commenced their labours with examining the accounts of the officers employed in the collection of the revenue: and the sequel affords a strong presumption that the royal administration had been foully calumniated. We hear not of any frauds discovered, or of defaulters punished, or of grievances redressed.¶ The earl of Arundel, alone, who had been ap-

1387.

* Rot. Parl. iii. 233.

† Ibid. 374.

‡ Ibid. 375, 376.

§ Kayght. 2692. Stat. x. App. 46.

|| Rot. Parl. 222. 224.

¶ Froissart, indeed, tells us that sir Simon Burley was fined 200,000 francs, and imprisoned. But his whole narrative differs so widely from the

pointed admiral of the fleet, reflected a lustre on the new administration. On different occasions during the summer, he captured one hundred and sixty sail of vessels richly laden, and principally with wine: he relieved the garrison of Brest, and took two forts in the neighbourhood of the town, of which he burnt one towards the sea, and delivered the other to the care of the governor. Thence sailing to Sluys, he destroyed the ships in the harbour, landed his troops, and laid waste the country to the distance of ten leagues.*

It was not, however, to be expected that a prince, who had now reached his twentieth year, and who had in a more early age given proof of abilities and courage, would tamely acquiesce in his own degradation, or that his favourites would neglect to provide for their security by endeavouring to restore the ascendancy of their protector. To emancipate himself from the

actual control of the commissioners, Richard made a journey on one occasion to York, and on another to Chester. Wherever he came, his arrival was distinguished by some act of grace. The gentlemen of the country, and the chief burghers in the towns, were invited to the court of their young sovereign: and few refused to wear his livery, and bind themselves by oath to stand in his

defence against all manner of men. At Shrewsbury he held a council of several of the judges, Aug. 20. and a few days afterwards another at Nottingham;† Aug. 25. in these he enjoined them on their allegiance to inform him, what was the law of the land on the different questions, which should be laid before them. In their reply they maintained, that the commission which had superseded the king in the exercise of the royal authority, was subversive of the constitution; that those who introduced the measure, and those who exhorted the king to agree to it, were liable to capital punishment; that all who compelled him to assent, or prevented him from exercising his rights, were traitors; that the king and not the lords and commons, had the power to determine the order, in which questions should be debated in parliament: that the

authentic particulars contained in the rolls, that it deserves no credit. It seems to be made up of every flying report which reached him.

* Knyght. 2692, 2693. Wals. 326.

† At the first of these councils were present sir Robert Bealknap chief justice, sir John Holt, and sir William Burgh justices of the king's bench, and sir John Cary chief baron of the exchequer: at the second the same persons, with the exception of the chief baron, and with the addition of sir Robert Tresilian lord chief justice, sir Roger Fulthorpe justice of the king's bench, and John Lokton the king's serjeant at law.

king could dissolve the parliament at pleasure, and that those who acted in defiance of such dissolution, were traitors: that the lords and commons could not, without the king's permission, impeach his officers and justices: that both the member who moved for the statute of the deposition of Edward II. and he who brought it to the house, were traitors: and that the judgment given against the earl of Suffolk was erroneous in all its parts. They affixed their seals to this answer, and promised on their oaths to keep it secret: the next day it was betrayed by sir Roger Fulthorpe, one of the number, to the earl of Kent, and was by him communicated to the duke of Gloucester.*

Richard, ignorant of this unfortunate discovery, proceeded to make arrangements for the resumption of the royal authority, at the expiration of the year allotted to the commissioners. To secure a majority in the next house of commons, he sent for the sheriffs, who, if we believe some writers, gave him slender hopes of success. It was determined to arrest the most obnoxious of his opponents, and to send them to take their trials before the judges who had already given their opinions on the question of law: and for this purpose Thomas Usk was appointed sub-sheriff of Middlesex, and John Blake the referendary, was employed to prepare a bill of indictment for a conspiracy against the royal prerogative.† Sir Nicholas Bramber, who had been thrice mayor of London, undertook to secure the fidelity of the citizens; and even swore the different companies to be ready to live and die with the king, and to oppose his enemies to their last breath. The commission was to expire on the nineteenth of November: on the tenth Richard entered the capital. He was received with unusual expressions of joy and respect; the mayor and principal citizens wore his livery of white and crimson; and an immense crowd accompanied him to the church of St. Paul's, and thence to his palace at Westminster.‡

Returns to
London.

Elated with his reception, the king retired to rest: the next morning he learned with astonishment that a numerous body of forces had reached the neighbourhood of London under the command of the duke of Gloucester, and the earls of

Is opposed
by Glou-
cester.
Nov. 11,

* Rot. Parl. iii. 232, 233. Knyght. 2692—2696.

† I have neglected many circumstances mentioned by historians, as I consider them mere fictions invented by the king's enemies: the intention of indicting the framers of the commission I have admitted, as the indictment itself is still extant on the rolls, p. 234.

‡ Rot. Parl. iii. 234. Knyght. 2696. Wals. 330. Mon. Evesh. 85.

Arundel and Nottingham, the constable, admiral, and marshal of England. They had concerted their measures with such secrecy as to elude suspicion; and had carefully watched

Nov. 12. all his motions on his return to the capital. A

royal proclamation was issued the next day forbidding the citizens to lend assistance, or to sell provisions, to the armed force in the neighbourhood; but the following morning the confederates advancing to Hackney with forty thousand men, sent a letter into the city, in which they assured the mayor and aldermen, that their only object was to deliver the king from the hands of the traitors who kept him in thralldom; commanded them with severe threats to give

Nov. 13. their aid to the same loyal cause; and required an immediate answer. The ensuing day they were

Nov. 14. joined at Waltham cross by the earls of Derby and Warwick: and these five noblemen, in presence of the commissioners, appealed (such was the term they used) five of the king's favourites of treason. Richard, un-

Nov. 17. able to resist, consented to receive the complaints of the lords appellants on the next Sunday. They entered the city with every precaution against the pretended treachery of their enemies; stopped to examine all the houses in the mews; and kept the king waiting two hours on his throne in Westminster hall. But in his presence they behaved with the semblance of humility. At the entrance of the hall, on the lower and on the upper step of the throne, they bent the knee before him. He arose, gave his hand to each, and bade them present their petition. They began with the most solemn protestations of attachment and loyalty; then accused of treason, the archbishop of York, the duke of Ireland, the earl of Suffolk, and sir Robert Tresilian false justice, and sir Nicholas Bramber false knight; and lastly throwing their gauntlets on the floor, offered severally to prove the truth of the charge by single combat. Richard answered, that he would summon a parliament, in which justice should be done; and that in the mean time he took both parties under the royal protection. He then invited the appellants into another room, where they partook of refreshment with him in the most friendly manner.*

Flight of
his favour-
ites. It now became evident that flight alone could save the obnoxious counsellors. The earl of Suffolk, on the second attempt, succeeded in reaching the frontiers of France: the archbishop effectually concealed himself in the vicinity of Newcastle: and the

* Rot. Parl. iii. 229. Knyght. 2697—2701. Wals. 330, 331.

duke of Ireland repaired to the northern borders of Wales. Here, however; he received letters from the king, authorizing him to raise forces, and promising to join him on the first opportunity. With joy he unfurled the royal banner: and his hopes were encouraged by the accession of Molyneux the constable of Chester, with a strong body of archers. The intelligence of his rising was received with secret pleasure by the duke of Gloucester, who now ventured to disclose his real designs; consulted several clergymen and sages of the law, in what cases a vassal would be justified in giving back his homage: and in a meeting at Huntingdon agreed with the earls of Arundel and Warwick, and the lord

Dec. 10.

Thomas Mortimer, "to depose Richard, and take the crown under his own custody." It was afterwards pretended that in adopting this resolution they had no design to deprive the king of the royal dignity in earnest, but merely to intimidate him by reducing him for a few days to the condition of a private individual. But whatever might be their real intention, it was defeated by the opposition of the earls of Derby and Nottingham, who, though they were willing to pursue the favourites unto death, would never consent to deprive the king of his crown.* In the mean time the duke of Ireland at the head of five thousand men rapidly advanced towards the Thames. His first object was to pass that river, probably in consequence of secret instructions from Richard: but the appellants, acquainted with his motions, marched in the night by different roads from the neighbourhood of London; and occupied all the passes before his arrival. He first made his appearance at Radcot.

Dec. 20.

The width of the bridge had been diminished, so that only one man could cross at a time: three barriers were raised athwart the remainder; and the earl of Derby with a powerful force lay behind it. He turned immediately, to seek another passage, but was met in front by the duke of Gloucester, and followed by the earl of Derby, who on his departure had crossed the bridge. In this emergency the duke threw off his armour; plunged into the river; and, quitting his horse, swam to the opposite bank. It was growing dark, and a report fortunately prevailed that he had been drowned. Molyneux, one of his valets, and a boy were killed: a few perished in the waters: the rest were stripped completely naked; and told that they might return home. After a lapse

* See the charges against the duke (Rot. Parl. iii. 376) with his answer (ibid. 379).

of some weeks it was announced, that the duke had escaped to Ireland.*

Arrests of
his friends.

Dec. 26.

The appellants, on their return to London, took from the mayor the keys of the city, and required an audience of the king, who had retired into the Tower. The intimidated monarch yielded to all their demands. A proclamation was issued for the arrest of the fugitive archbishop, duke, and earl: eleven of the royal confidants were secured in different prisons: and ten lords and knights, with the ladies Poynings, Mohun, and Molyneux, were dismissed from court, and compelled to give security for their appearance before the next parliament. That Richard in his distress might not have a single person to whom he could unbosom himself, even his confessor, the bishop of Chichester, was forbidden to come into his presence.†

Impeach-
ments.

1388.

Jan. 1.

rel.

Feb. 3.

In the writs which had already been issued for the convocation of parliament, the king had instructed the sheriffs to return such knights of the shire, as had not taken any part in the late quarrel. These writs were now recalled: and new ones were issued in the accustomed style.‡ As soon as the parliament had been opened by the chancellor, the duke of Gloucester rose, knelt to the king, and complained that he had been suspected of aspiring to the crown; but Richard immediately interrupted him by strongly asserting his own conviction of the innocence of his uncle. The lords appellants then exhibited thirty-nine articles of impeachment against the five appellees: the latter, with the exception of sir Nicholas Bramber, who was in prison, were called, but did not answer to their names; and judgment was immediately prayed against them for their default. But the decision was put off till the next day: and all the judges, with the exception of sir William Skipwith, were arrested on their seats in court, and committed to separate cells in the Tower.§

The next morning the king called upon “the sages of the common and civil law” to give to the lords their opinion respecting the bill of impeachment; who unanimously declared that it was in all its parts informal and illegal. The peers, however, resolved to proceed: they were bound, they said, by no other law than the law and custom of parliament; the kingdom of England had never been

* Rot. Parl. 236. Knyght. 2701—2703. Wals. 332.

† Knyg. 2705. Wal. 333. Otterburne, 174. Rym. vii. 566, 567, 568.

‡ Rym. vii. 566. Rot. Parl. iii. 400.

§ Rot. Parl. iii. 228—236. Knyght. 2706. Wals. 334.

governed by the civil law; nor would they, in the exercise of their jurisdiction, be guided by the practice of the lower courts. With the assent of the king the appeal was declared to be "good and effectual according to the law and course of parliament." The appellants again demanded judgment: but the house adjourned till the next day, when the demand was repeated, and the primate instantly rising, observed, that in obedience to the canons, which forbade the clergy to interfere in judgments of blood, he and the other prelates should depart: but that, before their departure, they would protest that their absence should neither create any prejudice to their own rights as peers, nor detract from the effect of such judgment as might be given by the temporal lords without their concurrence. All the bishops and abbots immediately left the house.*

Feb. 5.

Eight days were spent in examining the act of impeachment. It gave a detailed history of the conduct of the appellees from the commencement of the late parliament: attributed to them several projects too absurd to deserve belief: and averred that their constant aim had been to compass the destruction of the lords commissioners, the appellants, and their associates. Of the thirty-nine articles contained in this instrument, fourteen were declared to amount to treason: the accused were found guilty of them all: and the duke, the earl, and Tresilian were separately adjudged to suffer the death of traitors, and to forfeit their property to the king. The fate of the archbishop, on account of the novelty of the case, was reserved for future deliberation; and in the mean time, his temporalities were confiscated. But of these victims three were already beyond their reach. The earl of Suffolk had arrived at Paris. He was kindly received by the French king, but died of despair before the end of the year. The duke of Ireland had found an asylum in Holland; and the archbishop was still concealed in Northumberland.† But Tresilian, who had

Judgments.
Feb. 13.

* Rot. Parl. 236, 237. 244.

† The duke died at Lovain in 1392, of a wound received in hunting a wild boar. The archbishop, at the request of the government, was translated by the pope from York to St. Andrew's. But as the Scots did not admit the authority of Urban, he sailed to Flanders, accepted a small curacy, and served it till his death. The bishop of Ely the chancellor, was translated to York, Fordham of Durham to Ely, Skirlaw of Bath and Wells to Durham, and Ergham of Salisbury to Bath and Wells. By these translations the friends of the appellants were exalted, those of the king depressed. Rym. vii. 574—577. All these changes took place during the sitting of parliament. Rot. Parl. 237, 238. Knyght. 2709.

Feb. 19. disguised himself, and occupied a lodging in front of the palace, was betrayed by a servant, brought before the lords, and hurried away to execution.

Feb. 20. The next day the same fate befel sir Nicholas Bramber, who in vain protested his innocence, and offered wager of battle to his accusers.

The judges impeached. Mar. 2. After a short interval, the four judges of the king's bench, the chief baron of the exchequer, and the king's serjeant at law, were impeached of treason by the commons, on the ground, that knowing the traitorous intention of those who proposed the questions at Shrewsbury and Nottingham, they had, to please them, given answers contrary to law. They all replied in the same manner, that their answers had been extorted from them by threats, and that, therefore, they hoped for mercy. Fulthorp added, that he had the next day disclosed the whole

business to the earl of Kent. They were remanded: but Blake and Usk, who replied, that whatever they had done, had been done by the king's orders, were told, that their defence was an aggravation of their crime, because they knew that the king was not his own master, but under the control of the appellees. They were condemned and executed. The judges were soon after called in, and informed, that by award of the high court of parliament, they had been condemned to suffer the penalties of treason: but at the

Mar. 3. very moment the bishops entered the house, and begged that a stop might be put to the effusion of so much blood. At their intercession the lives of the condemned were spared: but they were banished for life, and confined in different cities in Ireland.*

Mar. 4. The same day the bishop of Chichester, the king's confessor, was impeached of having used threats to the judges at Nottingham, concealed the objects of the traitors, and exposed, by his connivance, the whole realm to danger. He replied, that no threats had ever been used to the judges: that he was under the obligation of secrecy as to the answers: and that he had taken care that no evil should arise from the transaction. He was condemned to exile in Ireland.†

* Rot. Parl. iii. 238—241. They were disposed of in the following manner:—Sir Rob. Bealknap, at Drogheda, with an allowance of 40*l.* per ann.; Sir John Holt, ditto, 40 marks; Sir Rog. Fulthorp, Dublin, 40*l.*; Sir Will. Burg, ditto, 40 marks; Sir John Cary, Waterford, 20*l.*; John Lokton, ditto, 20*l.*

† Rot. Parl. iii. 241. 243, 244. Cork was assigned for his residence, with permission to receive 40 marks per annum from any of his friends who might allow him so much.

If revenge or intimidation had been the object of Gloucester, he might now have been satisfied: but his thirst of blood was still unsatisfied: and four knights, the earliest and steadiest friends of the king, were impeached by the commons as aiders and accomplices of the traitors already condemned. They pleaded not guilty, and offered to prove their innocence as true knights in any manner which the lords should award. It had become the policy of the royalists to prolong the deliberations: and eight days were consumed in investigation and debate, till the approach of the Easter holidays suggested the necessity of adjournment. On the last day the lords and commons granted the king a subsidy till the feast of Pentecost; and took an oath to stand by the lords appellants during the present parliament, and to live and die with them against all men. The two houses were then adjourned by the king till the Monday fortnight after the festival of Easter.*

More trials.

Mar. 12.

Mar. 20.

And executions.

April 13.

During the recess every effort was employed to save the lives of the four knights, particularly of sir Simon Burley. He had belonged to the court of Edward III.; had been selected by the black prince as guardian to Richard; and had negotiated the marriage between his sovereign and the present queen. He was attached to the king as to his son: and the king loved and revered him as a father. On these accounts Richard earnestly solicited Gloucester to spare him: but received for answer, that if he meant to keep his crown, he must consent to the execution of his favourite.† The queen on her knees seconded the prayer of her husband: but neither her rank nor beauty, her tears nor entreaties, could soften the heart of the tyrant. The task was then undertaken by the earl of Derby, one of the appellants: and a fierce but fruitless quarrel between the uncle and nephew served only to prove that no consideration could move the duke from his sanguinary purpose. When the parliament re-assembled, the inquiry was resumed: Richard obstinately maintained that Burley was innocent; and for three weeks by refusing his assent averted the fate of his friend. At length on an occasion when the king and the lords who supported him, were absent, the

* The sheriffs were ordered to administer the same oath to all men in office, and all gentlemen, and persons of influence in their counties, vii. 572. See the return from the county of Lincoln, Rot. Parl. iii. 400.

† *Qc s'il voloit estre Roy, covient estre perfourne et fait.* Rot. Parl. iii. 431.

opposite party resolved that one out of the thirteen counts in the impeachment had been brought home to the

May 5. prisoner. He was called in, and immediately condemned on the vague charge of having conspired with other traitors to compass the death of those who had established the late commission of government. He suffered the same day: and the only indulgence which he could obtain, was a commutation of the more ignominious part of the punishment into decapitation.*

May 12. A week later was decided the fate of Burley's fellow prisoners, sir John Beauchamp, sir James Berners, and sir John Salisbury. The two former were convicted of treason, for having estranged the king's affections from his loyal subjects, and attached him to themselves; the latter for having consented to pass the seas, and solicit the aid of the king of France in favour of the five lords appealed of treason. All were immediately led to execution; Salisbury was drawn and hanged: but the king interposed in favour of the other two, and obtained the consent of the lords that they should be beheaded.†

Dissolution of parliament. The work of blood was now ended: and "the wonderful parliament," as it was called by some, or the "merciless parliament," as it was more justly called by others, after a long session of one hundred and twenty-two days, was dissolved. Before its termination an order had been issued for the expulsion of the Bohemians, who attended the queen, and a pardon granted not only for the appellants and their friends, but also for the adherents of the opposite party, with the exception of eighteen persons by name. The parliament was, however, careful to

* Rot. Parl. 241—243. 376. In the rolls of this parliament he is said to have been condemned with the *assent* of the king (Rolls, 243): in those of the 21st of Richard, without his assent, against his will, and in his absence. Rolls, 376.

† Rot. Parl. iii. 243. The manner in which these trials were conducted, does not appear very consistent with our notions of justice. The impeachment was first read over in the presence of the accused, who spoke without the aid of counsel in his own justification. The commons replied: and the lord resolved to "examine the charges and the circumstances with good deliberation, and to give such judgment as should be to the honour of God, and the profit of the king and the kingdom." (Ibid. 240, 241.) In this "good deliberation" days and weeks were consumed: but there is no hint that the prisoner was ever heard again in his defence, or counsel introduced, or witnesses examined. We only learn that the lords decided among themselves, whether the accused were guilty of any one or more of the counts in the impeachment, and whether such count or counts amounted to treason. As soon as this was determined, he was called in to receive judgment, and led immediately to execution. Ib. 240. 243, 244.

incapacitate the king from reversing the attainders which had been passed, and to remunerate the services of the lords appellants with a present of twenty thousand pounds out of the new subsidy. Their

June 2.

last legislative act amounted to a condemnation of themselves. It was an ordinance that, "whereas several points had been declared treason in the present parliament which had never been so declared by any statute, no judge should on that account have power to give judgment of treason in any other case or manner than he had before the commencement of their proceedings." At the

June 3.

conclusion the king was compelled to take the coronation oath a second time: the prelates renewed their fealty, the lords their homage; and all swore never to agree or suffer, that any judgment given in that parliament should be reversed, nor that any statute enacted in it should be repealed.*

For nearly twelve months Richard continued a mere cipher in the hands of the party. The duke governed with greater lenity than was to have been expected from his vindictive disposition: but his administration was not distinguished by any act of sufficient importance to dazzle the eyes of the nation, or to give stability to his power. The earl of Arundel, had, indeed, the good fortune to capture a fleet of French merchantmen: but, on the other hand, the Percies lost against the Scots the battle of Otterburne in Northumberland, in which, if the earl Douglas was slain, the lords Henry and Ralph Percy, the English generals, were made prisoners.† The terror which Gloucester had inspired, insensibly wore away: several of his partisans offered their services to the king: and Richard, by one bold action, instantaneously dissolved that authority which had been cemented with so much blood. In a great council held after Easter, he unexpectedly requested his uncle to tell him his age. "Your highness," the duke replied, "is in your twenty-second year." "Then," added the king, "I must certainly be old enough to manage my own concerns. I have been longer under the control of tutors than any ward in my dominions. I thank ye, my lords, for your past services: but do not require them any longer." Observing their surprise, he followed up the blow by demanding the seals from the archbishop of York, and the keys of the exchequer

The king
recovers
his autho-
rity.

1389.

May 3.

* Rot. Parl. iii. 244. 247—252.

† See the two ballads on it in the "Reliques of ancient English poetry," and the "Border Minstrelsy." Also Froissart, ix. 37—42.

from the bishop of Hereford. A new treasurer and new chancellor were appointed: the former council was dismissed: and the king gave his confidence to a few tried friends, with the duke of York and the young earl of Derby, who though they originally belonged to the commission, had either not forfeited, or had regained the royal favour. Gloucester submitted with reluctance, and after an interview with his nephew retired into the country: Richard by proclamation informed the people that he had taken the reins of government into his own hands, that he intended faithfully to maintain the ordinances of the parliament at Westminster, and that he should suspend the collection of the subsidy, which had lately been granted, till he was better convinced that his necessities required it.*

His administration.

The king was now his own master: and whether it were owing to his wisdom or the wisdom of his ministers, it must be owned that for some years his administration was tranquil and happy. Uninterrupted harmony reigned between him and his people. He frequently met his parliament; consulted it on all matters of importance; and appeared anxious to deserve its approbation. On one occasion he ordered the chancellor, treasurer, and other members of the council to resign; and openly invited every person, who felt himself aggrieved by them, to bring his charges against them as private individuals. The next day the two houses bore an honourable testimony to their integrity, and they were restored with applause to their former offices.† In return for his condescension, both lords and commons were liberal in their grants, and successively confirmed by their votes the acknowledged prerogatives of the crown.‡ Though he retained a deep sense of the injuries which he had suffered, he had the prudence to suppress his resentment: and on the return of the duke of Lancaster from Guienne, recalled the duke of Gloucester to a seat in the council.§ He even affected an indifference to the lot of his friends, who had been banished to Ireland, till he was able to serve them without danger or opposition. His former confessor he promoted to a bishopric in that island; and, as the revenue was moderate, added to it a small annuity. He recalled to London the three surviving judges: and as soon as he heard of the death of the duke of Ireland, granted a full pardon to sir John Lancaster, the companion of his exile,

* Knyght. 2736. Wals. 337. Rym. vii. 617. Rot. Parl. iii. 404.

† Rot. Parl. iii. 238.

‡ Ibid. 279, 286.

§ Ibid. 316.

and restored the earldom of Oxford in favour of his uncle sir Aubrey de Vere.* Three years later he ventured to give a stronger proof of his affection for his unfortunate friend. He ordered the body, which had been embalmed, to be brought from Louvain, and re-interred it with great solemnity in the church of Colne. Before the completion of the ceremony the coffin was opened by his orders, and the covering removed from the face. The features were still discernible: and the king gazed on it for some minutes with visible emotions of the most poignant grief.†

It was during this period of comparative tranquillity that the legislative enactments against papal provisions and reservations were completed. As soon as the king of France had espoused the cause of the cardinal of Geneva against Urban VI., the claims of the two competitors were canvassed in parliament; and at the suggestion of the primate and the other prelates, it was determined to acknowledge Urban, and to obey him, as the rightful head of the church. The legislature even went farther, and by statute confiscated the revenues of the cardinals, who rejected Urban, and put out of the king's protection every English subject, who should apply to his adversary, as the real pontiff.‡ In return Urban issued in favour of the king a bull, by which the two next vacant prebends in each collegiate church were reserved, and the nomination was transferred from the bishops and chapters to the crown.§ But the harmony between the two courts was disturbed by the ambition of Edward Bromfield, the agent at Rome for the abbey of St. Edmund's; who, on the decease of his abbot, procured by false suggestions that appointment from the pontiff; and returning to England, took possession of the abbey in virtue of the papal provision. He was instantly apprehended under the statute of provisors passed in the late reign, and committed to the Tower.|| This event attracted the notice of the public; complaints were made in parliament of new provisions granted to several cardinals: and by an additional enactment it was ordained, that if any of the king's subjects should, without his license given with the advice of the council, farm or administer the benefice of any alien within the realm, or in virtue of such administration should convey money out of the

Termination of the dispute with the court of Rome.
1378.
Nov.

1379.
May 11.

1380.
Jan. 16.

* Rot. Parl. iii. 302, 303. 346.

† Rot. Parl. iii. 48. Rym. vii. 222.

‡ Wals. 230, 231. 236.

§ Wals. 352.

¶ Rym. vii. 216.

kingdom, he should for the same offence incur all the penalties comprised in the statute of provisors of the 27th of Edward III.*

Bromfield's affair was compromised by his translation to a different benefice. The king granted the necessary licenses to the attorneys of the cardinals enjoying preferment in England:† and the pope confirmed the concordat of Bruges between Edward III. and Gregory XI.‡ But, though Urban was willing to concede other points, he still refused to surrender the claim which had for centuries been exercised by his predecessors of presenting to such benefices, as became vacant in the court of Rome by the death or the promotion of

1383. the incumbents:§ and the parliament three years
Nov. afterwards confirmed the former statutes, and as
an additional safeguard, extended the penalties of

the late act to all foreigners residing on benefices obtained by provision, whether they held them for themselves or for the profit of others. The king, however, was permitted to dispense with this act in favour of the cardinal of Naples, and such persons as might render particular services to the crown:|| an exemption which tended in a great measure to render the statute nugatory. For as the cardinals in possession of English benefices generally died at Rome, the pope instantly conferred their livings on the surviving cardinals, who found no difficulty in obtaining the royal license: and the other preferments which became vacant in that court, were frequently at the king's request bestowed on his own chaplains, as the cheapest means by which he could remunerate their services.¶

These evasions of the spirit of the law did not escape the observation of those who were enemies to the system of provisions: and in consequence of their reiterated complaints it

1390. was enacted in the parliament holden in 1390,
Jan. 19. that all provisions granted before the twenty-
ninth of January in that year, should be valid:

that all granted afterwards should be of no effect: that every person who should accept of a benefice contrary to this statute should forfeit his lands and chattels, and be banished for life: that whoever should bring or send into England any papal sentence or excommunication against any person for the execution of this statute should, besides forfeiture, incur the penalty of life and limb: and that whoever should publish such sentence or excommunication, should, if he were a pre-

* Rot. Parl. iii. 82, 83.

† Ibid. 384.

‡ Rot. Parl. iii. 163. St. 7 Rich. II. c. 12.

¶ Rym. vii. 684.

† Rym. vii. 253. 256. 258, 259. &c.

§ Ibid. 321. 428. 437.

late, lose his temporalities; if of inferior rank, suffer imprisonment, and make fine at the king's pleasure.* But the last clause appeared to bear so hard on the clergy, that the spiritual peers, though they had concurred in all the other statutes against provisions, unanimously protested against this, "inasmuch as it might tend to restrain the authority of the apostolic see, or to subvert the liberties of the church." By the king's order the protestation was read in parliament, and entered on the rolls.†

Shortly afterwards Richard held a great council, and in his own name, and the names of the principal barons and knights, wrote to the pontiff, explaining their grievances, and requesting his holiness to devise some prompt and efficacious remedy for the evil. What answer was returned, does not appear. Urban died, and was succeeded by Boniface IX., who declared the statutes enacted by the parliament of no effect,‡ and among other provisions, granted a prebend in the church of Wells to cardinal Brancacio, who immediately began a suit in the papal court against William Langbroke, the king's presentee.§ The controversy was immediately revived: the king's courts decided in favour of Langbroke: but rumours were circulated, that if the prelates executed the decrees of such courts, they would be exposed to ecclesiastical penalties. In the next parliament the commons petitioned the king to inquire of all estates, in what manner they would behave in the two following cases: 1. If the pope were to issue sentences of excommunication against the bishops for instituting the king's presentees in consequence of the judgment of the king's court: 2. If, for the same reason, he should attempt to translate the bishops from their present sees to other sees out of the kingdom.|| The answer returned by the commons was, that such proceedings would be subversive of the rights of the crown, and that they would therefore stand by the

1391.
Feb. 4.

1392.
Aug. 14.

1393.
Jan.

* Rot. Parl. iii. 266. 270. Stat. 13 Rich. II. st. 2. c. 2, 3.

† Rot. Parl. iii. 264.

‡ Fuisse et esse cassa et irrita, ipsaque ex superabundante cassamus, irritamus, et juribus vacuumus. Apud Raynald. v. 162.

§ Rym. vii. 734.

|| It is rather laughable to observe how soon the parliament began to fear that its own artifice might be turned to its prejudice. The plan of translating bishops out of the kingdom had been invented by the duke of Gloucester's party to get rid of the archbishop of York. But it now became evident, that if the pope could do this to punish a prelate who had offended the ruling party, he might do the same to punish a prelate, who had offended him.

king against them to live and die. The reply of the temporal lords was nearly to the same effect. The prelates declared, that it was not their intention to deny that the pope could issue sentences of excommunication, and translate bishops according to the law of the holy church, but to do so in the cases proposed would be to invade the rights of the crown, which they were determined to support with all their power.* In consequence of these answers, was drawn up the last and most comprehensive of the statutes of provisors or præmunire, by which it is provided that, if any man pursue or obtain, in the court of Rome, or elsewhere, such translations, excommunications, bulls, instruments, or other things against the king's crown and regality, or kingdom, as is aforesaid, or bring them into the realm, or receive, notify, or execute them either within the realm or without, such person or persons, their notaries, procurators, maintainers, abettors, fautors, and counsellors, shall be out of the king's protection, their goods and chattels, lands and tenements, shall be forfeited to the king, and their persons attached wherever they may be found.†

There is reason to believe, that when this bill was discussed in the house of lords, it met with considerable opposition. It was at least withdrawn by the commons, who agreed that the king should refer the whole matter to his council, and have full power to make such alterations and ordinances as he might think fit, and to carry them, when made, into execution.‡ Though they expressed a hope, that when it was thus amended, they should assent to it at the next parliament, it does not appear to have been ever laid before them again: but to have been occasionally acted upon, and occasionally

* St. 16 Rich. II. c. 5. Rot. Parl. iii. 304.

† St. 16 Rich. II. c. 5.

‡ Fait a remembrer touchant l'estatut des provisors, qe les communes, pur la grante affiance. . . . s'accorderent et assenterent en plein parlement, qe nre dit Sr le Roi, par bone deliberation et assent des seigneurs et de son sage conseil, preigne toute la maitre a luy, et q'il eit plein poair et auctorite de modifier le dit estatut, et ent ordeiner par deliberation et assent sus dit zen manere come luy semblera meutz. Rot. Parl. iii. 301.—Four years afterwards another memorandum to the same import, and nearly in the same words (the king was to alter it par assent et advis de tieux sages et dignes persones queux lui plerra appeller pur conseiller en la matiere) is inserted in the rolls: and it is added, that immediately afterwards the prelates protested, that if any ordinance were made which should restrain the power of the pontiff in the business of provisions, or derogate from the liberties of the church, they neither could nor ought to assent to it. Rot. Parl. iii. 340, 341. Hence I think it plain that this statute was never properly passed in parliament, and on that account does not appear in the rolls. It was, however, acted upon by the king's council: and is referred to in the 25th Hen. VIII. c. 20, and 2d Philip and Mary, c. 8.

modified, as suited the royal convenience. The pope was still careful to bestow the English benefices of the deceased cardinals on their survivors: but frequently the king was also careful to present to them himself. On each of these occasions the old contest was fought over again: and in every case the provisor was compelled to relinquish his pretensions, and the pope, that he might save his own claim, conferred the benefice on the king's presentee. Convinced by experience, of their inability to continue the contest with honour to themselves, the pontiffs negotiated with the court, and assented to such modifications of the statute as the king thought it prudent to make. Provisions in favour of aliens, unless they were cardinals, were entirely abolished, and those in favour of natives were generally granted to persons who had previously obtained the royal license.* Thus ended this long and angry controversy entirely to the advantage of the crown. For though the right of election remained to the clergy, it was merely nominal, as they dared not reject the person recommended by the king: and though the pope still pretended to confer the great dignitaries of the church by provision, the provisor was invariably the person who had been nominated by the crown.

If the war between England and France still continued, it was more from the difficulty of adjusting their differences, than from any real enmity between the two monarchs. Of late hostilities had been suspended by a succession of negotiations, which, in 1394, terminated in a truce for four years.† Soon afterwards Richard was deprived of his consort, the good queen Anne, who died at his palace of Shene, and was interred at Westminster. The king appeared inconsolable: and to divert his melancholy, was advised to visit his Irish dominions. They had formerly produced a yearly income of thirty thousand pounds: now the receipts were not equal to the ordinary expenses of the government. To understand the cause of this defalcation we must take a hasty review of the past transac-

Expedi-
tion to
Ireland.

1394.
May 27.

June 7.
July 26.

Anna d

* We have one of these temporary modifications in Wilkins, Con. iii. 237. 1. The bishoprics were to be granted after the election, and by provision, to the person elect, if the king wrote in his favour. If he did not, to some other person acceptable to the king. 2. In cathedral and collegiate churches, the pope and the ordinary were to present alternately, till the pope had possessed three presentations. He might grant the provisions to cardinals: otherwise he was bound to select Englishmen. 3. In other benefices the pope and ordinary were to present alternately for fourteen months. Anno 1398.

† Rym. vii. 770.

tions in Ireland. After the fall of Bruce, the second Edward was too much occupied by his domestic enemies, the third by his wars with Scotland and France, to attend to the concerns of the sister island: and the natives, by successive encroachments, gradually confined the English territories within narrower limits. The greater part of Ulster was recovered by the O'Nials: the O'Connors won several districts in Connaught: and in Leinster, the O'Brians maintained, with perseverance, and often with success, the cause of Irish independence. Had the natives united in one common effort, they might have driven the invaders into the ocean: but they lost the glorious opportunity by their own dissensions and folly. Their hostilities were generally the sudden result of a particular provocation, not of any plan for the liberation of the island; their arms were as often turned against their own countrymen as against their national enemies; and several septs received annual pensions from the English government as the price of their services, in protecting the borders from the inroads of the more hostile Irish.

State of
Ireland
under Ed-
ward III.

Neither did the English pale present a scene of less anarchy and disunion. The settlers were divided into two classes, the English by race, and the English by birth. The former were the descendants of the first invaders: and considered themselves as the rightful heirs to the lands and emoluments, which had been won by the swords of their progenitors. The farther they were removed from the seat of government, the less did they respect its authority; and, as they lived in the constant violation of the English laws, naturally sought to emancipate themselves from their control. Hence many adopted the dress, the manners, the language, and the laws of the natives, and were insensibly transformed from English barons into Irish chieftains. Of these the most powerful was Thomas Fitz-Maurice, who collected without distinction of country every adventurer under his standard; expelled the English settlers who refused to conform to his wishes; encouraged intermarriages with the natives; and established among his dependants the customs of tanistry and gavelkind. Yet such was the weakness of the government, that, to secure his fidelity, he was created earl of Desmond, and his possessions were erected into a county palatine.

The English by birth comprised the persons born in England whom the king had invested with office in Ireland, and the crowds of adventurers whom penury or crime annually banished from their own country. To the old settlers they were objects of peculiar jealousy and hatred: by the govern-

ment they were trusted and advanced, as a counterpoise to the disaffection of the others. Edward III. had gone so far, as to forbid any person to hold office under the Irish government, who was not an Englishman, and possessed of lands, tenements, or benefices in England; but the prohibition aroused the indignation of the English 1342. by race: in defiance of his authority they assembled in convention at Kilkenny; and so spirited were their remonstrances that he revoked the order, and confirmed to them the rights which they had inherited from their ancestors.

Edward had appointed his son Lionel duke of Clarence, to the government of Ireland. The Statute of Kilkenny. prince landed with an army, obtained some advantages over the natives, and left the island, having rather inflamed than appeased the jealousy between the two parties. Some years later he returned; a parliament was held under his influence; and the result was the celebrated statute of Kilkenny. Its provisions were directed not against the natives, but the descendants of the English settlers, who, "to the ruin of the common weal, had rejected the laws of England for those of Ireland." It enacted that marriage, nurture of children, and gossiping with the Irish, should for the future subject the offender to the penalties of high treason; and that the Englishman who should adopt an Irish name, or the Irish language, or the Irish dress, should be constrained by imprisonment or forfeiture to give security that he would conform to the manners of his own country. It was moreover declared that the Brehon laws were a lewd custom latterly crept in among the English, and it was made high treason for any Englishman to decline the authority of his own laws, and submit his cause to the decision of the Brehon judges.*

Still the former dissensions prevailed among the strangers; and the Irish gradually extended their conquests. To restore tranquillity Richard in his ninth year, created the earl of Oxford, his favourite, marquess of Dublin, and afterwards duke of Ireland; bestowed on him the government of Ireland for life; and granted to him and his heirs all the lands which he should conquer from the natives, with the exception of such as had already been annexed to the crown, or conferred on former adventurers.† Thirty thousand marks were allotted for the expedition by the parliament; and the most sanguine hopes of success were generally cherished; when the

* Apud Leland, i. 320.

† Rot. Parl. iii. 209, 210.

Richard
lands.
Oct.

whole plan was defeated by the dissention between the king and his barons, and the subsequent exile and death of the duke. Now, however, the moment seemed to be arrived, when the English ascendancy would be restored, and the natives reduced to the most complete submission. With four thousand men at arms and thirty thousand archers, Richard landed at Waterford: the duke of Gloucester, the earls of Rutland and Nottingham aided him with their advice: and though the state of the country, intersected with lakes, morasses, and forests, impeded his progress; though the enemy, by retiring into inaccessible fortresses, shunned his approach; yet in a short time the idea of resistance was abandoned; the northern chieftains met the king at Drogheda, the southern attended his deputy, the earl of Nottingham, at Carlow; and all, seventy-five in number, did homage, promised to keep the peace, and submitted to pay a yearly tribute. The four principal kings, O'Nial, O'Connor, O'Brian, and M'Murchad, followed Richard to Dublin, where they were instructed in the manners of

1395.
March 25.

the English by sir Henry Christal;* submitted to receive, though with some reluctance, the honour of knighthood, and arrayed in robes of state, were feasted at the king's table. The submission of the natives was followed by that of the rebellious English, who contrary to their own expectations, and the advice of several noblemen, were admitted to mercy. Richard, though he devoted much of his time to parade, did not neglect the reformation of the government. Grievances were redressed; the laws enforced; tyrannical officers removed; and the minds of the natives gradually reconciled to the superiority of the English.

Petition of
the lollards.

But while the king was thus establishing his power in Ireland, he was suddenly recalled to his English dominions. The disciples of Wycliffe, under the denomination of lollards, had seized the opportunity of his absence to commence a fierce attack upon the revenues and the discipline of the church. Not content with affixing

* Christal gave the account of this expedition to Froissart. He had formerly been made prisoner by one of the natives, a powerful man, who unexpectedly leaped up behind him, embraced him tightly, and urging the horse forward with his heels, fairly carried him off. During his captivity he had learned the Irish language, and on that account was now charged with the care of the four kings. His great difficulty was to induce them to dine at a different table from their servants, and to wear breeches, and mantles trimmed with the fur of squirrels. Froiss. xi. 24.

libels against the clergy in the most public places in the capital, they had prepared an inflammatory petition, which was to be presented to the house of commons. This instrument is a strange compound of fanaticism and folly. It complains, that ever since the church had been endowed with worldly possessions, faith, hope, and charity have been banished from England: that the English priesthood is a false priesthood; because sinners can neither impart, nor receive the holy spirit: that the clergy profess a life of celibacy, but pamper themselves too much to observe it; that by accepting places under the government, they become hermaphrodites, obliging themselves to serve both God and mammon: that they teach transubstantiation, which leads to idolatry; enjoin confession, which makes them supercilious; authorize war and criminal executions, which are contrary to the law of Christ, a law of mercy and love; and permit men to exercise the trades of the gold-smith and sword cutler, which are unnecessary and pernicious under the dispensation of the gospel. The prelates, alarmed at the boldness of these fanatics, solicited the protection of the king; who at their prayer returned to London, and reprimanded the patrons of the lollards with so much severity, that they did not venture to move the subject in parliament.*

During the quarrel between the duke of Gloucester, and the king's favourites, Richard had been frequently reproached with a secret leaning towards the friendship of the king of France. He now discovered this inclination more openly, and solicited the hand of Isabella, the daughter of Charles VI., a princess in her eighth year. The dukes of Lancaster and York approved of the match: the duke of Gloucester, who on all occasions made his court to the prejudices of the nation by opposing any alliance with France, contrived to postpone it for many months. At length his acquiescence was purchased with gifts and promises; and a treaty was signed, purporting that Isabella should marry Richard; that she should receive for her dower eighty thousand crowns by annual instalments; that when she had completed her twelfth year she should be at liberty to assent to the marriage or to dissent from it; that the heirs of her body should not derive from their mother's descent any additional claim to the French crown; and that the truce between the two kingdoms should be prolonged for the term of twenty-five years, and should comprehend their respective allies. Richard sailed to France

The king's
marriage.

1396.
March 9.

Sept. 27. to receive the princess: the kings feasted each
 Oct. 27. other in their pavilions between Andres and Ca-
 Nov. 1. lais; the marriage ceremony was performed by
 the archbishop of Canterbury; and the young queen was after-
 wards crowned with the usual magnificence at Westminster.*

1397. This alliance with the royal family of France
 Jan. 7. encouraged Richard to execute a scheme of ven-
 King's en- geance, which he had long cherished within his
 mity to the own breast. He had not forgotten the sufferings
 duke of and murders of his favourites, nor the insults
 Gloucester. which had been offered to his own authority.

Hitherto it had been prudent to dissemble: now, thinking himself secure on the throne, he resolved to wreak his vengeance on the offenders, though the principal of them was one of his nearest relatives. Of his three uncles the duke of York alone seems never to have forfeited his friendship. The easy and indolent disposition of that prince withdrew him from the rash and intemperate councils of his brother of Gloucester; and if he did not strenuously exert himself in the cause, he never gave the weight of his co-operation to the enemies, of his nephew. He was now beloved and trusted by Richard. During the king's absence in Ireland, he had been appointed regent of the kingdom: and his son, the earl of Rutland, was believed to hold the first place in the royal favour. With respect to the duke of Lancaster it had formerly been otherwise, when he was suspected of aspiring to the crown. But age had chilled his ambition: every sinister impression had been effaced by more recent services: and a grant to him for life of the sovereignty of Guienne, though it was afterwards recalled at the solicitation and remonstrance of the natives, proved how ready the king was to gratify the wishes of this uncle. Constantia, the duke's second wife, had died in the same year as the queen: and after a short interval, he had married Catharine Swynford, a knight's widow, who had been employed by his first dutchess to educate her daughters: but who, in that situation, had captivated the affections of the duke, and had borne him three sons and one daughter. The marriage was resented as a disgrace by the other princes of the blood royal: but Richard, to please his uncle, approved of it; legitimated the children, who from one of their father's

1397. castles took the name of Beaufort; and raised the
 Feb. 6. eldest son to the dignity of earl of Somerset†
 Feb. 10. But the duke of Gloucester, the third uncle,

* Rym. vii. 802—805. 811—830. 834—837. 845—847, 848. Wals. 353.

† Rot. Parl. iii. 343. By the act of legitimation they were excluded from inheriting the crown.

though he knew how cruelly he had wounded the feelings, disdained to cultivate the friendship, of his nephew. He was still the chief mover of every intrigue, the soul of every faction that opposed the king's wishes. He never took his seat at the council board but to embarrass the proceedings; was the last to arrive, and the first to depart; treated Richard with an air of superiority; and frequently threw out sarcasms in his hearing on his supposed inactivity and degeneracy from the spirit of his fathers. At the same time it was the policy of the duke to ingratiate himself with the knights, who had distinguished themselves in the last reign; to inveigh against the peace with France; to lament the pusillanimity of the king; and to represent him as fit only to live in the company of ladies and bishops.* That he might at least display his own courage, he obtained permission to join the christians, who were fighting against the infidels in Prussia: but whether it was that the expedition was merely a pretence, or that his courage evaporated at sea, he returned in a few days, and asserted that he had been driven back by a storm. He was then appointed to the government of Ireland: but neglected to take

* On this subject a singular occurrence took place in the parliament held in 1397. On the 1st of February the commons delivered a bill to the lords for the regulation of the king's household, complaining among other things, that so many bishops, who had lordships, and so many ladies, with their servants, were always with the king, and were supported at his expense. Richard the next day sent for the lords, asserted that the bill was an invasion of his prerogative, and ordered the duke of Lancaster to demand from the commons the name of the person who had introduced it. This was sir Thomas Haxey, a clergyman. On the third, the commons appeared before the king and the lords, professed their sorrow for the offence they had given, and declared that their only intention was to request the king to consider the subject of his household, and to make what regulations he thought proper. He professed himself satisfied, adding that as he did not demand from them either tenths or fifteenths, they ought not to interfere with his expenses. But Haxey was singled out for punishment, as a terror to others. His bill had been expressed in these words:—May it please the commons of England to consider the expenses of the king in his household, from the multitude of bishops and ladies with their followers, and to ordain due remedy thereof. On the fifth a law was made, that whoever moved, or should move the commons of parliament, or any other person to make remedy or reformation of any thing appertaining to the king's person, or rule, or royalty, should be held for a traitor: and two days after, Haxey, on his own confession, was condemned, according to this *ex post facto* law, to suffer the punishment of treason. But his life was immediately spared at the intercession of the prelates: and a full pardon was granted him on the 27th of May. It is probable that no intention existed of putting Haxey to death: but that the whole of this unjustifiable proceeding had for its object to check the attempts of Gloucester's partisans, to intimidate the opponents of the court. See Rot. Parl. iii. 339. 341. 407, 408. From this instance it appears probable that clergymen sat at this period among the commons in parliament.

possession, probably because Ireland was a country, in which, as he said, he could reap neither wealth nor glory. Richard's mind was perpetually harassed by what he saw and heard of Gloucester's conduct: a repetition of petty injuries kept alive his resentment; and the memory of the past urged him to get rid of a prince who still continued to display the same contempt for the person, the same hostility to the favourites of his sovereign. We are even told that the duke had actually formed a plan with his former associates, the present archbishop of Canterbury,* and the earls of Arundel and Warwick, to seize and imprison the king:† but the account appears to be no more than a report invented to explain the cause of his arrest. This, at least, is certain, that no such charge was afterwards brought forward by his accusers in parliament.

Arrests. When Richard had taken his resolution, it was carried into effect with secrecy and despatch. The earl of Warwick, having dined with the king, was arrested at the house of the chancellor, near Temple Bar; 1397. hurried away to the Tower; and for greater security conveyed to the castle of Tintagel in Cornwall.‡ The primate was unsuspectingly employed to bring his brother the earl of Arundel to a private conference with Richard: who instantly apprehended, and sent July 12. him to Carisbrook castle, in the Isle of Wight; but with a promise, confirmed upon oath, that he should not suffer either in his person or property.§ To prevent the escape or resistance of his uncle, Richard himself headed the party appointed to apprehend him, and proceeded to his castle at Pleshy. The duke with his family came out to meet the king: but was immediately delivered to the custody of the earl of Nottingham, earl mareschal.|| That nobleman pretended to conduct him to the Tower: but when they had

* He was Thomas Arundel, who had been bishop of Ely, and chancellor during the prosecution of Richard's favourites, and was afterwards translated to the see of York, and thence to that of Canterbury. Ang. Sac. i. 62. 122.

† Froissart, xl. 48. Account of MSS. in library of king of France, ii. p. 205.

‡ Rot. Parl. iii. 486.

§ Ibid. 435.

|| There are different accounts of this arrest. The contemporary author in MS. mentioned before, assures us that it took place in the morning, when the king arrived before the duke was up (p. 208): Froissart fixes it at five in the afternoon, (xi. 48.) Both agree that he joined Richard in the court of his palace; was asked to accompany him to London, and made prisoner on the road. But the rolls of parliament declare that he was arrested, as he came forth in procession to meet the king: domino regi cum processione solemniter humiliter occurrentem. Rot. Parl. iii. 418.

reached the Thames, he put him on board a ship, sailed down the river, and lodged his prisoner in the castle of Calais, of which he was governor. From the sudden disappearance of the duke it was generally believed that he had been murdered; and his friends, alarmed at his supposed fate, began to tremble for their own safety. Richard, to tranquillize the public mind, issued a proclamation, stating that these arrests had been made by the assent of the earls of Rutland, Kent, Huntingdon, Nottingham, and Salisbury, the lord Despenser, and sir William Scroop; and with the approbation of his uncles of Lancaster and York, and his cousin of Derby: that the offences of the prisoners were of recent date, and had no connexion with the occurrences of the tenth and eleventh years of his reign; and that none of his subjects had any reason to be alarmed on account of the part which they had taken on those occasions.*

July 15.

To arrange his plans with greater secrecy, he now repaired to the castle of Nottingham; where it was determined to copy the former example of the prisoners, and to appeal them of treason, after the manner in which they had appealed the king's favourites. The noblemen who had advised the arrests, were at dinner, when they were unexpectedly summoned from table to the gate of the castle, and required to put their seals to a form of appeal, which had been prepared for the occasion. On their return they found the king in the hall, seated on the throne, and wearing his crown. "We appeal," they were made to say, "Thomas duke of Gloucester, Richard earl of Arundel, and Thomas earl of Warwick; and say that they have acted as traitors to your majesty, and your realm. Such we hold them, and such we will prove them to be, when, where, and in whatever court your majesty shall ordain. And we beseech your majesty to hear us as soon as may be, and to do full right and justice on this our appeal." Their request was granted, and the time of trial fixed for the ensuing parliament.†

Appeal of treason.

On his return the king remained a few days at Woodstock, where it was resolved to take the deposition of the duke of Gloucester in prison, and a commission for that purpose was signed and addressed to sir William Rickhill, one of the justices. About three weeks later, Rickhill was awakened

Confession of Gloucester.

Aug. 17.

* Rym. viii. 6. To the noblemen who are said to have given their assent to these arrests, should have been added the young earl of Somerset. Rot. Parl. iii. 374.

† Compare Rot. Parl. iii. 374, and 449—452.

in the middle of the night at Essingham in Kent, by a royal messenger, who ordered him to repair immediately to Dover, and to follow the earl of Nottingham to Calais.

Sept. 5. If he was surprised at the mysterious nature of this message, his surprise redoubled, when after

Sept. 7. his arrival the earl delivered to him a commission to interrogate the duke of Gloucester, whom he had for many weeks believed to be dead. In this delicate and dangerous business Rickhill proceeded with a caution, which afterwards saved his life. He required that two witnesses should be appointed to see and hear all that passed between him and the

Sept. 8. prisoner; and on his introduction to Gloucester, advised him to return his answer in writing, and to keep an exact copy of it in his own possession. Some hours later the duke delivered to him, what was termed his confession, with a request that he would come back the next morning, to receive any further communication that might be deemed necessary. But in the morning Rickhill was refused

Sept. 11. admission; and after remaining two days longer at Calais, he returned to England, and gave an account of his proceedings to the king the day before the opening of the parliament.*

To prevent any opposition to his wishes, Richard was accompanied to Westminster by a most formidable force, composed of the knights and esquires who wore his livery of the hart, and of his body-guard of archers levied in the county of Chester.

The leading men in the commons had received their instructions from the court: and on the second day of the session, sir John Bussy the speaker, petitioned the king, that the clergy might appoint proxies to represent them in their absence from trials of blood; that the commission of regency, and the statute confirming it, passed in the tenth year of his reign, should be repealed, as extorted from him by threats and violence; that whoever in future should procure the enactment, or act in virtue of such a commission, should suffer the penalties of treason; and that all pardons, general or private, heretofore granted to the duke of Gloucester, and the earls of Arundel and Warwick, should be revoked, as prejudicial to the king, and wrung from him by constraint. These petitions were immediately granted with the unanimous assent of parliament.†

* See Rickhill's deposition; Rot. Parl. iii. 431.

† Ibid. 348—351.

The commons next impeached Thomas Arundel archbishop of Canterbury of high treason. He had, they maintained, aided the duke, and two earls, to obtain the commission of regency, and procured himself to be named one of the number; had also advised the arrest and execution of sir Simon Burley, and sir James Berners, contrary to the will of the king; and had committed these crimes, while he was chancellor, and bound by his oath to support the rights of the crown. He rose to defend himself: but was silenced by Richard, who, on account, as he pretended, of the archbishop's dignity, wished to have more time to consider the matter.*

Impeachment of the primate.
Sept. 20.

The following day the lords appellant presented their charges against the three peers: 1. That the duke of Gloucester and earl of Arundel had compelled the king to assent to the commission of regency, by threatening his life in case of refusal: 2. That they had drawn to their party the earl of Warwick and the lord Thomas Mortimer at Harringay park; and with force of arms constrained the king at Westminster to grant them his protection: 3. That these four, usurping the royal power, had condemned sir Simon Burley to death, against the king's will and without his assent: and 4. That at Huntingdon they had conspired to depose the king; and that they had afterwards shown him the act of deposition of Edward II.; and told him that if he had not met with the same fate, he owed the preservation of his crown to the respect which they entertained for his deceased father. To these charges the earl of Arundel pleaded not guilty, and offered to prove his innocence by wager of battle, or by the verdict of a jury. He then pleaded a general and particular pardon. But these had been already revoked, and he was ordered to speak to the facts alleged against him. On his refusal the duke of Lancaster pronounced the usual judgment of treason: he was immediately led back to the Tower: and his head was struck off the same day under the direction of the lord Morley, the lieutenant of the earl mareschal.†

Of the duke of Gloucester, &c.
Sept. 21.

That nobleman, who was still at Calais, had received an order to bring his prisoner, the duke of Gloucester, to the bar of the house, that he might

Gloucester's death.

* Ibid. 351.

† Rot. Parl. iii. 374—377. 435. Hence it is evident that the earl mareschal himself was not present: and that the story of his insulting the prisoner at his execution cannot be true. Wals. 355.

Sept. 24. reply to the lords, who had appealed him of treason. Three days later an answer was returned, that the earl mareschal could not produce the said duke before the king in parliament, for that he, being in custody in the king's prison at Calais, had there died. The time, the place, the suddenness of the death, will create a suspicion that this unfortunate prince had been murdered: and in the next reign it was pretended that Richard, unwilling to disgrace the royal family by bringing his uncle to a public trial, and equally unwilling to grant his life to one who had so unfeelingly refused mercy to others, had sent assassins to Calais, by whom the duke was smothered between two beds.* However that may be, the lords appellants demanded judgment: the commons seconded their demand by a petition: and the duke was declared a traitor, and all his property confiscated to the crown.†

His attain- The next day was read in parliament Gloucester's confession taken by sir William Rickhill.
der.

He acknowledged, that he had been guilty of procuring the commission of regency; of presenting himself with an armed force before the king in Westminster hall; of opening the king's letters without permission; of speaking slanderously to him in the hearing of others; of employing threats to induce him to condemn sir Simon Burley; of asking the advice of others, whether he might not give up his homage; and of having conspired with others to depose the king, but only for a few days, after which he meant to replace him on the throne. He protested, however, that since the day on which he swore to his nephew on God's body at Langley,‡ he had always been

* In the first year of the next reign a paper was read in parliament, purporting to be a confession upon oath of John Hall, a servant to the earl of Nottingham. He said, or was made to say, that some day in September the duke was brought from the castle of Calais to a hotel called the prince's inn, and delivered to two persons, servants of the king, and the earl of Rutland. That they took him up stairs, advised him to send for a confessor, as he must die, and after the departure of the priest, smothered him between two beds in presence of himself and three others. As soon as this paper had been read, Hall was condemned, and immediately executed, without having been heard, or even presented before his judges. Though eight were named in the deposition, as being concerned in the transaction, none of them were examined or molested. If we reflect how much it was for the interest of Henry IV. to have Richard believed the author of Gloucester's death, all these circumstances tend to excite a suspicion that he could not prove it. See Rot. Parl. iii. 453.

† Ibid. 378.

‡ That oath was taken ten years before (Rot. Parl. 421). I notice this, because some writers suppose the duke's confession to regard recent occurrences, whereas it refers entirely to his conduct in the years 1386 and 1387.

faithful to him; and concluded in these words: "Therefore I beseech my liege and sovereign lord the king, that he will of his high grace and benignity accept me to his mercy and his grace, as I that put my life, my body, and my good wholly at his will, as lowly and as meekly as any creature can do, or may do, to his liege lord. Beseeching to his high lordship that he will, for the passion that God suffered for all mankind, and the compassion that he had of his mother on the cross, and the pity that he had of Mary Magdalene, that he will vouchsafe for to have compassion and pity, and to accept me unto his mercy and his grace, as he that hath ever been full of mercy and of grace to all his lieges, and to all other that have not been so nigh to him as I have been, though I be unworthy."* How eloquently he could plead for mercy in his own favour, though he had never shown mercy to others!

The archbishop of Canterbury had not appeared in his place in parliament since his impeachment. His absence was attributed to the perfidious counsel of the king, who, fearing the impression which might be made by his eloquence, affected to be his friend, advised him not to irritate his enemies by his presence, and promised to shield him from their resentment.† However that may be, as soon as the confession of the duke of Gloucester had been read, the commons prayed judgment against the primate: Richard immediately declared that he had acknowledged himself guilty, and thrown himself on the royal mercy: and sentence was pronounced that he should be banished for life, and that his temporalties should be forfeited to the crown.‡

Attainder
of the pri-
mate.

The earl of Warwick was then brought before the bar of the house. He pleaded guilty: but the sentence of death was commuted into exile, and the Isle of Man was assigned for his residence. The lord Cobham was also convicted on the impeachment of the commons, and condemned to pass the rest of his life in the Isle of Jersey. The lord Mortimer who had fled for protection to one of the Irish septs, was outlawed.§

Of the earl
of War-
wick.
Sept. 28.

* Ibid. 379. His acknowledgment of having employed threats to procure the condemnation of Burley is not in the confession: but was added afterwards by word of mouth to Rickhill. Ibid. and 431. I have preserved the very words, and altered nothing but the spelling.

† Ibid. 421.

‡ Ibid. 351.

§ Rot. Parl. 379—382. Cobham was convicted in January. But I mention him now, that all the convictions may come before the reader at once.

Whatever may have been Richard's object, whether it were security or revenge, it must be confessed that the manner in which these prosecutions were conducted, was illegal and unjustifiable. Not only did the king violate the pardons which he had formerly granted, but the terms of the proclamation which he had recently issued. At the same time the concurrence of the princes of the blood furnishes a strong presumption, that there had been something highly criminal or dangerous in the conduct of Gloucester. His nephews, the earls of Somerset and Rutland, were two of his accusers; his brothers, the dukes of Lancaster and York, joined in his condemnation; and the former even pronounced against him the judgment of treason. Can we suppose that they would have thus united to disgrace and punish their own blood, had they been influenced by no other motive than the king's resentment for an offence committed and pardoned ten years before?*

Pardons. It is remarkable that several peers, who sate and voted in this parliament, had been engaged in the very transactions, which were now declared treasonable. The duke of York, the bishop of Winchester, and Richard Scroop, had been members of Gloucester's commission: the earls of Derby and Nottingham had been two out of the five who appealed the king's favourites of treason. In these the doom of their former associates could not fail of awakening the most gloomy apprehensions: nor, after what had passed, was the expedient to which they had recourse, calculated to satisfy them of their security. Richard declared in full parliament that though the three former had been named in the commission, they had always behaved as true and loyal subjects; and that the two latter, though they had at first allowed themselves to be deceived by the pretences of

* I think I can discover some traces of enmity between the duke of Lancaster and the party of the duke of Gloucester before this period. In the parliament of 1394, the earl of Arundel, Gloucester's intimate friend, told the king that certain matters lay so near his heart, that he could not in conscience conceal them: 1. That the duke of Lancaster walked often arm in arm with the king, who even wore his livery. 2. That in council the duke by his haughtiness prevented others from giving their opinions. 3. That he had obtained the grant of Guienne to the king's prejudice. 4. That he had received too much money for his journey to Spain. 5. That his conduct was blameable in the negotiations for peace. Richard vindicated his uncle: and by the award of parliament Arundel was obliged to make the following apology to the duke: Sir, since it seemeth to the king and other lords, and eke since ye be so mickle grieved and displeased by my words, it forthinketh me, and I beseech you of your good lordship, to remit me your mawtalent (resentment). Rot. Parl. iii. 313, 314.

Gloucester, had given a convincing proof of their loyalty, by abandoning him and returning to their duty, the very moment in which they discovered his treason. He then created his two cousins of Derby and Rutland, Sept. 29. dukes of Hereford and Albemarle; his two uterine brothers, the earls of Kent and Huntingdon, dukes of Surrey and Exeter; the earl of Nottingham, duke of Norfolk; the earl of Somerset, marquess of Dorset; the lords Despenser, Nevil, Percy, and William Scroop, earls of Gloucester, Westmoreland, Worcester, and Wiltshire. To give the greater stability to these proceedings, it was enacted, that to compass the death or deposition of the king, or to give him back the homage which had been done to him, or to raise forces and march against him for the purpose of making war within the realm, were and should be accounted acts of treason; that every judgment, ordinance, and declaration made in the present parliament, should in all time to come have the full force of statutes: that if any man should attempt to repeal or overturn them, he should suffer the penalties of treason; and that the lords spiritual and temporal should swear to observe them; that their oaths should be enrolled in the chancery; and that the prelates should excommunicate all who publicly or privately should act contrary to them. On the last day of the session the peers took the oath: at the request of the king the commons stretched out their right hands to show that they joined in it; and then the lord Thomas Percy, who had been appointed by the clergy to assist as their proxy at the late trials, swore in the name of his constituents.* What reliance could be placed on such oaths, it is difficult to conceive. Of the very men, who now swore, the greater part had sworn the contrary ten years before: and as they violated that oath now, so did they violate the present, before two more years had elapsed. The parliament was prorogued to meet again at Shrewsbury after the Christmas holidays.†

These transactions unfolded to the view of the public the real character of the king. The secrecy with which for so long a period he had concealed his purposes of revenge, the dissimulation

Charge
against the
duke of
Norfolk.

* Rot. Parl. iii. 353—356.

† Ibid. 356—369. I suspect the parliament had been prorogued on account of the absence of the earl of March, the presumptive heir to the crown, who was the king's lieutenant in Ireland. All were anxious that he should give his consent to the late transactions, and Richard despatched a peremptory order for him to attend at Shrewsbury. No excuse would be admitted (Rym. viii. 21. Oct. 15). He obeyed: and as soon as the session was opened, took the oath, which had been taken already by the other peers (Rot. Parl. iii. 357), and concurred in the different ratifications of all that had passed in his absence.

with which he had heaped favours on his destined victims, and that contempt for the forms of law and principles of justice, which he had displayed in the course of the proceedings, astonished and appalled not only the former adherents of Gloucester, but every man who on any occasion had incurred the royal displeasure. The duke of Norfolk possessed, apparently at least, a high place in the king's favour: but he was conscious how deeply he had engaged in the politics of the eleventh year: he knew that by his reluctance to join in the late prosecutions he had given cause of offence;* and he entertained a suspicion, that the honours to which he had been raised, were meant only to blind and ensnare him. Of the original lords appellants, he and the duke of Hereford alone remained. Chancing to overtake the latter on the road between Brentford and London, he unbosomed himself to his friend, detailed his apprehensions, and pointed out the most suspicious characters in the king's council.† Whether it were that Hereford incautiously divulged the secret, or that he betrayed it clandestinely to Richard, is uncertain. But he received an order to attend the monarch at Haywood; was charged on his allegiance to communicate to the council the whole conversation; and was remanded with an injunction to

* Rot. Parl. iii. 383.

† The following was the conversation, according to Hereford's account of it:—*Norf.* We are on the point of being undone.—*Heref.* Why so?—*Norf.* On account of the affair of Radcot bridge.—*Heref.* How can that be, since he has granted us pardon, and has declared in parliament that we behaved as good and loyal subjects?—*Norf.* Nevertheless our fate will be like that of others before us. He will annul that record.—*Heref.* It will be marvellous indeed, if the king, after having said so before the people, should cause it to be annulled.—*Norf.* It is a marvellous and false world that we live in. For I know well that, had it not been for some persons, my lord your father of Lancaster and yourself would have been taken or killed, when you went to Windsor, after the parliament. The dukes of Albemarle and Exeter, and the earl of Worcester and I have pledged ourselves never to assent to the undoing of any lord without just and reasonable cause. But this malicious project belongs to the duke of Surrey, the earls of Wiltshire and Salisbury, drawing to themselves the earl of Gloucester. They have sworn to undo six lords, the dukes of Lancaster, Hereford, Albemarle, and Exeter, the marquess of Dorset and myself: and have sworn to reverse the attainder of Thomas earl of Lancaster, which would turn to the disherison of us and of many others.—*Heref.* God forbid! It will be a wonder, if the king should assent to such designs. He appears to make me good cheer, and has promised to be my good lord. Indeed he has sworn by St. Edward to be a good lord to me and the others.—*Norf.* So has he often sworn to me by God's body: but I do not trust him the more for that. He is attempting to draw the earl of March into the scheme of the four lords to destroy the others.—*Heref.* If that be the case, we can never trust them.—*Norf.* Certainly not. Though they may not accomplish their purpose now, they will contrive to destroy us in our houses ten years hence. Rot. Parl. iii. 360. 382.

appear before the parliament, and to submit every particular to the cognizance of that tribunal.

At the appointed day the three estates (for the proctors of the clergy were present) assembled at Shrewsbury; and their proceedings were marked with the same obsequiousness to the will of the monarch, the same disregard of the liberties of the people, which they had evinced before the prorogation.

Parliament
at Shrews-
bury.
1398.
Jan. 27.

1. Sir John Bussy the speaker, demanded that the acts of Gloucester's parliament in the eleventh year of the king, should be repealed. As a preliminary the judges and serjeants at law were introduced, and commanded to give their opinion of the answers, which had been returned by the former judges, to the questions submitted to them at Nottingham. They unanimously replied, that to the same questions they should have given the same answers.* Immediately the lords, the clergy, and the commons separately declared their assent; and all the judgments, ordinances, and statutes of Gloucester's parliament were repealed. 2. It was evident, that

Jan. 29.

this act of theirs might be reversed by their successors, with as much ease as they had reversed the acts of the eleventh year: and the speaker the next day petitioned that the very attempt to invalidate any of the proceedings of the present session should be declared treason. The king consulted the judges,† who replied that no greater security could be devised than the authority of parliament. At his request, however, the lords repeated their former oath on the cross of Canterbury; the proctors of the clergy followed them; and the knights of the shire standing round the king, with most of the citizens and burgesses, imitated their example. Richard then inquired if it were possible to bind his successors: and when he was informed that he could not, declared that he would at least solicit the pope to excommunicate the prince, who should hereafter annul any act of the present parliament. A herald by proclamation asked the people, if they would assent to this kind of security: and they, raising

* Ibid. 32.

† From these proceedings it is plain that the judges no longer sate in parliament with the lords in the same manner as formerly. Sir William Thirnyng chief justice of the king's bench, said that parliament alone could declare that to be treason, which had not been so declared before; but that were he a lord and peer of parliament, he would have answered as the others had done. The act of repeal is made "by the king, with the assent of the lords spiritual and temporal, of the proctors of the clergy, and of the commons, and by the advice of the judges and serjeants." Ibid. 358.

Jan. 30. their hands, proclaimed with loud shouts their assent.* 3. Two days before the opening of the session, the duke of Hereford had obtained a general pardon under the great seal for all the treasons, misprisions, and offences, that he had ever committed.† He now appeared in parliament to prosecute the duke of Norfolk, and exhibited in writing the whole of the conversation between them. As if, however, he were conscious of guilt, and apprehensive of the royal sincerity, he returned the next morning, threw himself on his knees before Richard, and addressed him in the following terms. “My liege lord, there have been riots, troubles, and evil deeds in your realm to the offence of you and your royal estate: and in them I know that I have taken a part: not, however, for an evil end, or to displease you, as I did not then know that I was doing wrong. But now, sir, I know it, and confess my fault. Wherefore, sir, I cry you mercy, and beg your pardon.” The king immediately assented to his petition, promised to be his good lord, and in a set speech announced to the several estates that he had granted him a full pardon.‡ 4. Richard had previously

Jan. 31. demanded an aid of the commons; and on the fourth day they voted him, with the assent of the lords, a tenth and a half, and a fifteenth and a half; and in addition, as if they sought to render him independent of parliament, granted him the tax on wool, wool-fells, and hides, not for a short and determinate period as usual, but for the whole term of his natural life. Such liberality required a return on his part: and he published a general charter of pardon for all offences against the crown; but with this most curious exception, that no benefit should be derived from it, if either lords or commons in future parliaments, should impeach the grant, which had been now made to him of a revenue for life.§

* Proclamation feust fait en audience de tout le peuple craintrz ove hautes voices, q’il lour plest bn, et q’ils sont a ceo pleinement assentuz. Ibid. 360. I notice this circumstance, because it serves to explain those passages in more ancient writers, which describe the people as assisting at the great councils, and testifying their approval by acclamation. The custom seems still to have prevailed. We find the people mentioned also in the first parliament of the next reign . . . populoque dicti regni tunc ibidem propter factum parliamenti in maxima multitudine congregato. Ibid. 417.

† Rym. viii. 32.

‡ Rot. Parl. iii. 367. From this anxiety of Henry to obtain his pardon, which he had now solicited and received twice since the declaration made in his favour by Richard a few months before, I am inclined to suspect that he had engaged in the designs of Norfolk, whatever they were; and had been admitted to favour on the condition that he should accuse his associate.

§ Ibid. 368, 369.

5. But the most unconstitutional act of the session still remains. It had been usual in former times to dismiss the members, as soon as the public business was terminated; and to detain a committee of lords and justices to hear and determine such petitions, as had been presented and not answered. A similar committee was now appointed of twelve peers and six commoners, of whom one half was required to be present at the deliberations; but they were not only invested with the powers of the ancient committees, but also authorized to "hear, examine, and determine all matters and subjects which had been moved in presence of the king, with all the dependencies thereof:" words of indefinite and therefore of the more dangerous tendency: under the colour of which the committee arrogated to itself all the powers and functions of a full parliament. To it was referred the charge which had been brought against the duke of Norfolk.*

That nobleman had not thought proper to attend his duty in parliament: but he surrendered on proclamation; and was introduced to Richard at Oswaldstre. He loudly maintained his innocence against his accuser; and, bending his knee, said to the king: "My dear lord, with your leave, if I may answer your cousin, I say that Henry of Lancaster is a liar; and in what he has said, and would say, of me, lies like a false traitor as he is." Richard ordered both parties into custody; and, proceeding to Bristol, with the assent of his committee of parliament, determined causes, and published laws in the same form, as if the two houses were sitting. He even enacted, that these new statutes should possess equal authority with those that had been passed in the last parliament; that any man, who should seek to annul or repeal them, should suffer the penalties of treason; and that every prelate before he received his temporalties, every tenant of the crown before he obtained livery of his lands, should take an oath to observe all laws, ordinances, and judgments, as well those made by the king in the late parliament, as those made by him since its dissolution, with the assent of

Wager of
battle.

Feb. 23.

March 19.

* Ibid. 368. When Richard was deposed, his enemies alleged, that this committee had no other powers than former committees: and that the additional authority was given to them by the king, who had for that purpose falsified the rolls. Of the truth of the charge, we have no evidence.—I should observe that though the same committee was appointed to examine the accusation against the duke of Norfolk, two of the members attended, not as peers but as proctors for the clergy. Ibid. 360. This was in consequence of a petition from the commons, lest it might afterwards be alleged that the clergy were not represented in the committee.

the committee; to oppose every endeavour to alter or revoke them; and to pursue with all his might every man who should infringe them, till the offender had suffered the punishment of his treason. At the same time it was determined that the controversy between the two dukes should be referred to a high court of chivalry.*

For this purpose, the barons, bannerets, and knights of
 April 29. England were summoned to assemble at Windsor. The appellant and appellee were produced

before them: Hereford persisted in the charge; and Norfolk, though he acknowledged that he had spoken disrespectfully of certain words, denied every expression which seemed to reflect on the king's character. As no witnesses could be called, and the truth could not be elicited by confronting the parties, it was determined to refer the decision to the judgment of God; and by award of the court, wager of battle was

Sept. 16. joined, to be fought at Coventry, on the 16th of September. On the appointed day the combat-

ants entered the lists, in presence of the king, the committee of parliament, and an immense assemblage of people. Hereford made with solemnity the sign of the cross: Norfolk exclaimed, "God speed the right." The former pushing forward his shield, and fixing his lance in its rest with the point towards his adversary, advanced a few paces: the latter remained motionless at his station; and the king throwing down his warder, took, in the language of the age, the battle into his own hands. He could not, he said, suffer a combat, which, whatever might be the event, would involve in indelible disgrace one of two persons, who were both allied to him in blood, and both bore his arms. The combatants were then conducted back to their seats; and awaited in anxious suspense the determination of the king, who was employed in consultation with the committee of parliament.

Sentence of
 the duke of
 Hereford.

At length the royal pleasure was announced, first to the appellant, and then to the appellee. To preserve the public tranquillity, and prevent quarrels between the two parties and their adherents, the duke of

* Ibid. 372. Nothing could exceed the solicitude of the king to give stability to all these proceedings. He had been told by the judges that he could not bind his successor. He made, however, the attempt. By his will, signed a few days before his departure for Ireland, he bequeathed the greater part of his personal property to his successor, but on the express condition, that he should ratify and observe all the acts of the 21st and 22d years of his reign; otherwise it was to be retained by his executors, and to be employed by them in defence of the same proceedings "even, if it were necessary, unto death." Rot. Parl. iii. 421.

Hereford was ordered to quit the kingdom within the space of four months; and to remain in exile for the space of ten years: but at the same time it was declared that he had honourably performed his duty in prosecuting the appeal, till the king had taken the battle into his own hands.

The judgment of the duke of Norfolk was more severe. He was ordered to quit the realm at the same time, to go as a pilgrim to the holy land, and to remain in banishment for the rest of his life, in Germany, Hungary, or Bohemia: not that he had not honourably performed his duty against his adversary, but because he had, according to his own confession, endeavoured to excite dissension among the great lords: and had both publicly and privately opposed the repeal of the acts of Gloucester's parliament. Moreover, as he had been guilty of neglect in his government of Calais, and was in considerable arrears to the king, it was awarded that all his lands should be taken into the king's hand, to be applied to the payment of his debts, reserving the sum of one thousand pounds a year for his own use. Finally, both were forbidden, under the penalty of treason, to have any communication with Thomas, late archbishop of Canterbury, or with each other during the time of their exile.* Before their departure they respectively obtained a few favours of the king, and in particular a permission by patent to appoint attorneys to take possession of such inheritances as might fall to them in their absence, though they could not actually perform homage or swear fealty. Hereford repaired to Paris: Norfolk, after a short residence in Germany, visited Jerusalem, and in his return died of a broken heart at Venice.†

And of the
duke of
Norfolk.

Richard now saw himself triumphant over all his opponents. The last of the lords appellants had been banished; and even his uncles, through affection or fear, seconded all his measures. He had attained what seems for some time to have been the great object of his policy. He had placed himself above the control of the law. By the grant of a subsidy for life he was relieved from the necessity of meeting his parliament: with the aid of his committee, the members of which proved the obsequious ministers of his will, he could issue what new

Richard's
despotic
conduct.

* Ibid. 383, 384. I have given the sentences at greater length, because they fully explain the causes of that disparity, which some modern writers have been at a loss to understand. The reasons for Norfolk's banishment are probably the real ones; but I suspect that Hereford was ordered out of the kingdom for some offence, which was not made public.

† Ibid. 372, 385. Rym. viii. 47—52.

ordinances he pleased: and a former declaration by the two houses, that he was as free as any of his predecessors, was conveniently interpreted to release him from the obligations of those statutes, which he deemed hostile to the royal prerogative. But he had forfeited all that popularity which he had earned during the last ten years; and the security in which he indulged hurried him on to other acts of despotism, which inevitably led to his ruin. He raised money by forced loans; he compelled the judges to expound the law according to his own prejudices or caprice; he required the former adherents of Gloucester to purchase and repurchase charters of pardon; and, that he might obtain a more plentiful harvest of fines and amercements, put at once seventeen counties out of the protection of the law, under the pretence that 'they had

1399.

Feb. 3.

favoured his enemies in the rencontre at Radcot bridge. The duke of Lancaster did not survive the banishment of his son more than three months:

and the exile expected to succeed by his attorneys to the ample estates of his father. But Richard now discovered that his banishment, like an outlawry, had rendered him incapable of inheriting property. At a great council, in-

March 18.

cluding the committee of parliament, it was held, that the patents granted, both to him and his antagonist, were illegal, and therefore void: and all the members present were sworn to support that determination.* Henry

April 23.

Bowet, who had procured the patent for the duke of Hereford, was even condemned, for that imaginary offence, to suffer the punishment of treason: though on account of his character, his life was spared on condition that he should abjure the kingdom for ever.† This iniquitous proceeding seems to have exhausted the patience of the nation. Henry (on the death of his father he had assumed the title of duke of Lancaster) had long been the idol of the people; and the thousands, who voluntarily attended him on his last departure from London, might have warned Richard of the approaching danger. The feeling of their own wrongs had awakened among them a spirit of resistance: the new injury offered to their favourite pointed him out to them as their leader. Consultations were held; plans were formed; the dispositions of the great lords were sounded; and the whole nation appeared in a ferment. Yet it was in this moment, so pregnant with

* Ibid. 372, 373. Here again the king appealed to the people, who signified their assent by raising up their hands. *Quelle chose feust faite et assentuz par tout le poeple esteantz en presence du roy.* Ibid.

† Ibid. 385.

danger, that the infatuated monarch determined to leave his kingdom. His cousin and heir, the earl of March, had been surprised and slain by a party of Irish: and in his eagerness to revenge the loss of a relation, he despised the advice of his friends, and wilfully shut his eyes to the designs of his enemies.

Having appointed his uncle, the duke of York, regent, during his absence, the king assisted at a solemn mass at Windsor, chanted a collect himself, and made his offering. At the door of the church he took wine and spices with his young queen; and lifting her up in his arms, repeatedly kissed her, saying, "Adieu, madam, adieu, till we meet again." From Windsor, accompanied by several noblemen, he proceeded to Bristol, where the report of plots and conspiracies reached him, and was received with contempt. At Milford Haven he joined his army, and embarking in a fleet of two hundred sail, arrived in a few days in the port of Waterford. His cousin the duke of Albemarle had been ordered to follow with a

He goes to
Ireland.

May 31.

June 20.

hundred more: and three weeks were consumed in waiting for that nobleman, whose delay was afterwards attributed to a secret understanding with the king's enemies. At length Richard led his forces against the Irish: several of the inferior chiefs hastened barefoot, and with halters round their necks, to implore his mercy; but M'Murchad spurned the idea of submission, and boasted that he would extirpate the invaders. He dared not indeed meet them in open combat: but it was his policy to flee before them, and draw them into woods and morasses, where they could neither fight with advantage, nor procure subsistence. The clamours of the soldiers compelled the king to give up the pursuit, and to direct his march towards Dublin: and M'Murchad, when he could no longer impede their progress, solicited and obtained a parley with the earl of Gloucester, the commander of the rear guard. The chieftain was an athletic man; he came to the conference mounted on a gray charger, which had cost him four hundred head of cattle; and brandished with ease and dexterity a heavy spear in his hand. He seemed willing to become the nominal vassal of the king of England; but refused to submit to any conditions. Richard set a price on his head, proceeded to Dublin, and at the expiration of a fortnight, was joined by the duke of Albemarle with men and provisions. This seasonable supply enabled him to recommence the pursuit of M'Murchad; but while he was thus occupied with objects of inferior interest in Ireland, a revolution had

occurred in England, which eventually deprived him both of his crown and his life.*

Lancaster
lands in
England. When Richard sailed to Ireland, Henry of Bolingbroke the new duke of Lancaster, resided in Paris, where he was narrowly watched by the king of France. The late primate (for during his exile Arundel like his predecessor had been translated to the bishopric of St. Andrew's) secretly left his house at Cologne; and in the disguise of a friar procured an interview with the duke at the hotel de Vinchester.† The result of their meeting was a determination to return to England during the king's absence. To elude the suspicions of the French ministers, Henry procured a passport to visit the duke of Bretagne; and, on his arrival at Nantes, hired three small vessels, with which he sailed from Vannes to seek his fortune in England. His whole retinue consisted only of the archbishop, the son of the late earl of Arundel, fifteen lances, and a few servants. After hovering for some days on the eastern coast, he landed at

July 4. Ravenspurn in Yorkshire: and was immediately joined by the two powerful earls of Northumberland and Westmoreland. In their presence he declared upon oath, that his only object was to recover the honours and estates, which had belonged to his father.

His success. The duke of York, to whom the king had intrusted the government during his absence, was accurately informed of the motions of Henry; and had summoned the retainers of the crown to join the royal standard at St. Alban's. He soon found himself at the head of a numerous force: but so many of the leaders betrayed a disinclination to draw the sword against Henry, whom they conceived to have a just claim to the inheritance of his father, that the friends of Richard began to be alarmed for their own security. The earl of Wiltshire, with Bussy and Green, members of the committee of parliament, had been appointed to wait on the young queen at Wallingford: but they suddenly abandoned their charge, and fled with precipitation to Bristol. York himself, doubtful of the fidelity of his forces, and perhaps desirous to give up the command to the king on his expected arrival from Ireland, followed in the same direction; and the road from Yorkshire to the metropolis was left open to the approach of the insurgents. Henry was already on his march. The snowball had increased as it rolled along: and the small body of twenty followers, with whom he had landed, swelled,

* MS. Harl. No. 1319. c. 4.

† Since called the Bicetre.

before he reached London, to about sixty thousand armed men. He stayed in the capital no longer than was requisite to flatter the citizens, and secure their good will: and continuing his march to the west, entered Evesham on the same day that York reached Berkley. After an interchange of messages, the dukes met in the church of the castle; before they separated, the doom of Richard was sealed. The regent, whether he were intimidated by the power, or deceived by the protestations of his nephew, espoused the same cause: with united armies, to the number of one hundred thousand men, they laid siege to the castle of Bristol: and sir Peter Courteney the governor, though he refused to treat with Henry, consented to surrender the place at the command of the regent. The earl of Wiltshire, Bussy, and Green, were executed the next morning without the formality of a trial. York remained at Bristol: Henry with his own forces proceeded to Chester.*

Three weeks had elapsed since the landing of the exiles, and there were yet no tidings of Richard, whose ignorance of these events had been prolonged by the tempestuous state of the weather. The first who brought him the alarming intelligence was the chancellor, sir Stephen Scroop. "Ha!" exclaimed the king, "fair uncle of Lancaster, God reward your soul: for had I believed you, this man would not have injured me. Three times have I pardoned him: this is the fourth offence he has committed." It was immediately resolved that the earl of Salisbury should sail with as many men as could embark on board the ships in the harbour of Dublin: and that the king should lead the rest to Waterford, and follow with the fleet which lay in that port. The earl landed at Conway, and summoned the natives of Wales to the royal standard. A respectable army was soon formed: but Richard did not appear according to his promise: distressing reports were circulated among the troops: and, after waiting a fortnight, the royalists deserted their commander, and returned to their homes. A few days later, the king, ignorant of the event, arrived in Milford-haven with the dukes of Albemarle, Exeter, and Surrey, the bishops of London, Lincoln, and Carlisle, and several thousands of the troops, who had accompanied him to Ireland. With such a force, had it been faithful, he might have made a stand against his antagonist: but on the second morning when he arose, he observed from his window that the greater part had already disappeared. A council was immediately summoned, and a proposal made

Richard returns.

His army dispersed.

* Wals. 358.

that the king should flee by sea to Bourdeaux: but the duke of Exeter objected that to quit the kingdom in such circumstances was to abdicate the throne. Let them proceed to the army at Conway. There they might bid defiance to the enemy: or at all events, as the sea would still be open, might thence sail to Guienne. His opinion prevailed: and at midnight the king, in the disguise of a priest, his two brothers of Exeter and Surrey, the earl of Gloucester, the bishop of Carlisle, sir Stephen Scroop, and sir William Feriby, with eight others, stole away from the army, and directed their route towards Conway. In the morning the duke of Albemarle, and sir Thomas Percy, steward of the household, hastened to join Henry: the common men dispersed, and were stripped and beaten by the Welch.*

The king
goes to
Conway.

Aug. 9.

The royal party with some difficulty but without any accident reached Conway, where, to their utter disappointment, instead of a numerous force, they found only the earl of Salisbury with a hundred men. In this emergency the king's brothers undertook to visit Henry at Chester, and to sound his intentions: and during their absence Richard, with the earl of Salisbury, examined the castles of Beaumaris and Carnarvon; but finding them without garrisons or provisions, the disconsolate wanderers returned to their former quarters.

When the two dukes were admitted into the presence of Henry, they bent the knee, and acquainted him with their message from the king. He took little notice of Surrey, whom he afterwards confined in the castle: but leading Exeter aside, spoke with him in private, and gave him, instead of the hart, the king's livery, his own badge of the rose. But no entreaties could induce him to allow them to return. Exeter was observed to drop a tear; when the duke of Albemarle said to him tauntingly: "Fair cousin, be not angry. If it please God, things shall go well."

Is deceived
by the earl
of North-
umberland.

The immediate object of Henry was to secure the royal person. He was pleased to learn from the envoys the place of Richard's retreat; and detained them at Chester, that the king instead of making his escape, might await their return. The

* We have two relations of the capture of Richard, both written by persons in his suite. The one belonged to the library of the king of France, No. 8448; and an abridgment of it has been published by Gaillard, *Accounts and Extracts of MSS.* ii. p. 189. The other is in the British Museum, Harleian MSS. No. 1319. It has been frequently consulted by Stow, 319—322, and Mr. Turner, ii. 241. From these two accounts are collected all the particulars relating to the king from his landing till his arrival in London.

earl of Northumberland was instantly despatched at the head of four hundred men at arms and a thousand archers, with instructions not to display his force, lest the king should put to sea, but by artful speeches and promises to draw him out of the fortress, and then make him prisoner. The earl took possession in his journey of the castles of Flint and Rhuddlan: and a few miles beyond the latter, placing his men in concealment under a rock, rode forwards with only five attendants to Conway. He was readily admitted: and to the king's anxious inquiries about his brothers replied, that he had left them well at Chester, and had brought a letter from the duke of Exeter. In it that nobleman said, or rather was made to say, that full credit might be given to the offers of the bearer. These offers were: that Richard should promise to govern and judge his people by law: that the dukes of Exeter and Surrey, the earl of Salisbury, and the bishop of Carlisle, should submit to a trial in parliament, on the charge of having advised the assassination of Gloucester: that Henry should be made grand justiciary of the kingdom, as his ancestors had been for one hundred years: and that, on the concession of these terms, the duke should come to Flint, ask the king's pardon on his knees, and accompany or follow him to London. Richard consulted his friends apart. He expressed his approbation of the articles: but bade them secretly be assured, that no consideration should induce him to abandon them on their trial; and that he would grasp the first opportunity of being revenged on his and their enemies. The bishop proposed that Northumberland should be sworn to the observance of the conditions. Mass was accordingly performed: the earl took his oath on the host; and "like Judas," says a writer who was present, "perjured himself on the body of our Lord."

As Northumberland departed to make arrangements for the interview at Flint, the king said to him: "I rely, my lord, on your faith. Remember your oath, and the God who heard it." After dinner he followed with his friends and their servants to the number of twenty-two. They came to a steep declivity, to the left of which was the sea, and on the right a lofty rock overhanging the road. The king dismounted, and was descending on foot; when he suddenly exclaimed: "I am betrayed. God of Paradise, assist me! Do you not see banners and pennons in the valley?" Northumberland with eleven others met them at the moment, and affected to be ignorant of the circumstance. "Earl of Northumberland," said the king, "if I thought you capable of betraying me, it is not too late to return."—"You cannot return," the earl replied, seizing

Carried a
prisoner to
Flint.

the king's bridle, "I have promised to conduct you to the duke of Lancaster." By this time he was joined by a hundred lances, and two hundred archers on horseback; and Richard, seeing it impossible to escape, exclaimed: "May the God on whom you laid your hand, reward you and your accomplices at the last day:" and then turning to his friends added: "we are betrayed: but remember that our Lord was also sold, and delivered into the hands of his enemies."

His complaints.

They reached Flint in the evening: and the king, as soon as he was left with his friends, abandoned himself to the reflections which his melancholy situation inspired. He frequently upbraided himself with his past indulgence to his present opponent: "Fool that I was!" he exclaimed: "thrice did I save the life of this Henry of Lancaster. Once my dear uncle his father, on whom the Lord have mercy! would have put him to death for his treason and villany. God of Paradise! I rode all night to save him: and his father delivered him to me, to do with him as I pleased. How true is the saying, that we have no greater enemy, than the man whom we have preserved from the gallows! Another time he drew his sword on me, in the chamber of the queen, on whom God have mercy! He was also the accomplice of the duke of Gloucester, and the earl of Arundel: he consented to my murder, to that of his father, and of all my council. By St. John, I forgave him all: nor would I believe his father, who more than once pronounced him deserving of death."

An interview with Henry.

The unfortunate king rose after a sleepless night, heard mass, and ascended the tower to watch the arrival of his opponent. At length he saw the army, amounting to eighty thousand men,* winding along the beach till it reached the castle, and surrounded it from sea to sea. He shuddered and wept: but was aroused from his reflections by a summons to dinner. The earl of Salisbury, the bishop, and the two knights sir Stephen Scroop and sir William Feriby, sat with him at the same table by his order; for since they were all companions in misfortune, he would allow no distinction among them. While he was eating, unknown persons entered the hall, insulting him with sarcasms and threats: as soon as he rose, he was summoned into the court to receive the duke of Lancaster. Henry came forward in complete armour, with the exception of his helmet. As soon as he saw the king, he bent his knee,

* I have adopted the smaller number. The Harleian MS. swells it to 100,000 men.

and advancing a few paces, he repeated his obeisance. "Fair cousin of Lancaster," said Richard, uncovering himself, "you are right welcome."—"My lord," answered the duke, "I am come before my time. But I will show you the reason. Your people complain that for the space of twenty, or two-and-twenty, years, you have ruled them rigorously: but, if it please God, I will help you to govern better." The king replied: "Fair cousin, since it pleaseth you, it pleaseth me well." Henry then addressed himself successively to the bishop and the knights, but refused to notice the earl. The king's horses were immediately ordered: and two lean and miserable animals were brought out, on which Richard and Salisbury mounted, and amidst the sound of trumpets and shouts of triumph followed the duke into Chester.

At Chester writs were issued in the king's name for the meeting of parliament, and the preservation of the peace.* Henry dismissed the greater part of his army, and prepared to conduct his prisoner to the capital. At Litchfield Richard seized a favourable moment to let himself down from his window: but was retaken in the garden, and from that moment subjected to much greater restraint. In the neighbourhood of London they separated. Henry, accompanied by the mayor and principal citizens, proceeded to St. Paul's, prayed before the high altar, and wept a few minutes over the tomb of his father: the king passed through Westminster to the Tower, and as he went along, was greeted with curses, and the appellation of "the bastard," a word of ominous import, and prophetic of his approaching degradation.†

Is conducted to the Tower.

Aug. 19.

Aug. 24.

Sept. 1.

When the duke first landed in England, he had sworn on the gospels, that his only object was to vindicate his right to the honours and possessions of the house of Lancaster. If this were the truth, his ambition had grown with his good fortune. He now aspired to exchange the coronet of a duke for the crown of a king. After several consultations it was resolved to combine a solemn renunciation of the royal authority on the part of Richard, with an act of deposition on the part of the two houses of parliament, in the hope that those whose scruples should not be satisfied with the one, might acquiesce in the other. To obtain the first, the royal captive was assailed with promises and

Resigns the crown.

* Rym. viii. 84. Brady, iii. 419.

† This alluded to a report which had been spread, that he was not the son of the black prince, but of a canon of Bourdeaux.

threats. Generally he abandoned himself to lamentation and despair: occasionally he exerted that spirit, which he had formerly displayed. "Why am I thus guarded," he asked one day; "am I your king or your prisoner?"—"You are my king, sir," replied the duke with coolness; "but the coun-

Sept. 29. cil of your realm has thought proper to place a guard about you." On the day before the meeting of parliament, a deputation of prelates, barons, knights, and lawyers, waited on the captive in the Tower, and reminded him, that in the castle of Conway, while he was perfectly his own master, he had promised to resign the crown on account of his own incompetency to govern. On his reply that he was ready to perform his promise, a paper was given him to read, in which he was made to absolve all his subjects from their fealty and allegiance, to renounce of his own accord all kingly authority, to acknowledge himself incapable of reigning, and worthy for his past demerits to be deposed; and to swear by the holy gospels that he would never act, nor, as far as in him lay, suffer any other person to act, in opposition to this resignation. He then added, as from himself, that if it were in his power to name his successor, he should choose his cousin of Lancaster, who was present, and to whom he gave his ring, which he took from his own finger.*

Such is the account of this transaction inserted by the order of Henry, in the rolls of parliament: an account, the accuracy of which is liable to strong suspicion. It is difficult to believe that Richard had so much command over his feelings, as to behave with that cheerfulness which is repeatedly noticed in the record: and the assertion that he had promised to resign the crown, when he saw Northumberland in the castle of Conway, is not only contradictory to the statement of the two eye-witnesses, but also in itself highly improbable. From the fate of Edward II., with which he had so often been threatened, he must have known that it was better to flee to his transmarine dominions, which were still open to him, than to resign his crown, and remain a prisoner in the custody of his successor.

is also de- The next day the two houses met amidst a
posed. great concourse of people in Westminster hall.

The duke occupied his usual seat near the throne, which was empty and covered with cloth of gold. The resignation of the king was read: each member standing in his place signified his acceptance of it aloud: and the people with repeated shouts expressed their

Sept. 30.

* Rot. Parl. iii. 416, 417.

approbation. Henry now proceeded to the second part of his plan, the act of deposition. For this purpose the coronation oath was first read; thirty-three articles of impeachment followed, in which it was contended, that Richard had violated that oath: and thence it was concluded, that he had by his misconduct forfeited his title to the throne. Of the articles, those which bear the hardest on the king, are the part he was supposed to have had in the death of the duke of Gloucester, his revocation of the pardons formerly granted to that prince and his adherents, and his despotic conduct since the dissolution of parliament. Of the remainder, some are frivolous, many might, with equal reason, have been objected to each of his predecessors; and the others rest on the unsupported assertion of men, whose interest it was to paint him in the blackest colours.* No opposition had been expected: when, to the astonishment of the Lancastrians, Thomas Merks, the faithful bishop of Carlisle, arose, and in a tone of manly defiance, vindicated the character of Richard, denied the right of the two houses either to depose him, or to pass by the next prince of the blood; and ridiculed the story, which had been industriously circulated, that Edmund earl of Lancaster, and by the mother's side ancestor to the present duke, was in reality the elder brother of Edward I., and therefore the real heir to the throne. The moment he sat down, he was taken into custody, and carried a prisoner to the abbey of St. Albans.† This act of tyranny silenced every objection: the deposition of Richard was voted unanimously: and eight commissioners ascending a tribunal erected before the throne, pronounced him degraded from the state and authority of a king, on the ground that he notoriously deserved such punishment, and had acknowledged it under his hand and seal on the preceding day. Sir William Thirnyng, chief justice, was appointed to notify the sentence to the captive, who meekly replied, that he looked not after the royal authority, but hoped his cousin would be a good lord to him.‡

The rightful possessor was now removed from the throne. But, supposing it to be vacant, what pretensions could Henry of Lancaster advance to it? By the law of succession it belonged to the descendants of Lionel, the third son of Edward III.; and their claim had been formally recognized in parliament. All

Henry
claims the
succession.

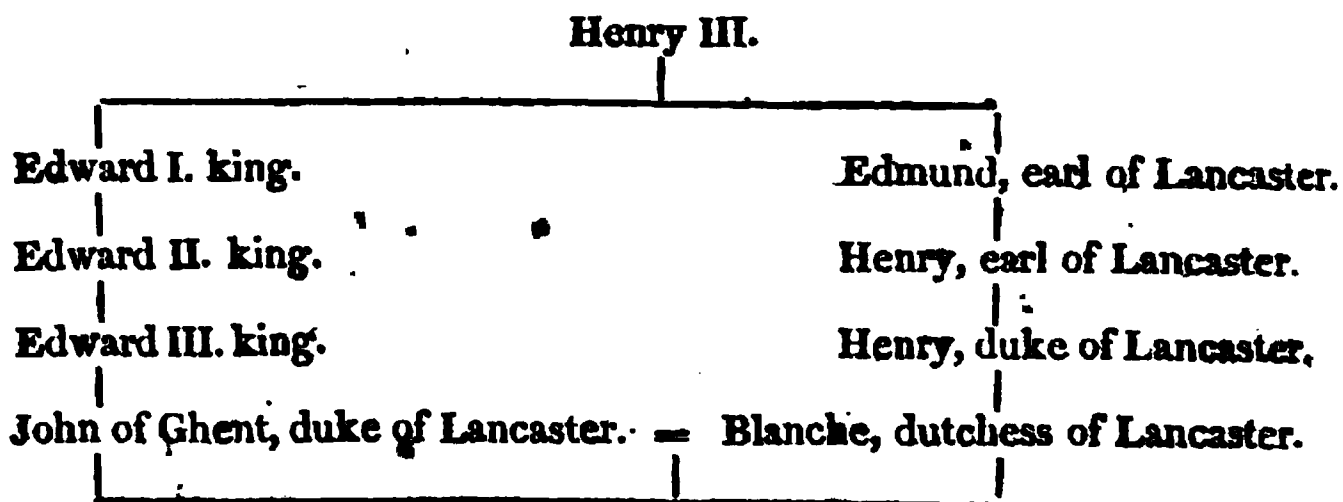
* Rot. Parl. 417—422.

† Hall, 10, 11. Brady, iii. 438. Writers differ as to the exact time when the bishop made his speech, but all agree as to its substance.

‡ Rot. Parl. iii. 423, 424.

waited in anxious suspense, till the duke rising from his seat, and forming with great solemnity the sign of the cross on his forehead and breast, pronounced the following words: “In the name of the Father, Son, and Holy Ghost, I Henry of Lancaster, challenge this realm of England, and the crown, with all the members and appurtenances, as that I am descended by right line of blood, coming from the good lord, king Henry III., and through that right that God, of his grace, hath sent me with help of my kin and of my friends to recover it: the which realm was in point to be undone for default of governance, and undoing of good laws.” In these extraordinary terms did Lancaster advance his pretensions, artfully intermixing an undefined claim of inheritance,* with those of conquest and expediency: and rather hinting at each, than insisting on any. But, however difficult it might be to understand the ground, the object of his challenge was perfectly intelligible. Both houses admitted it unanimously: and as a confirmation, Henry produced the ring and seal, which Richard had previously delivered to him. The archbishop of Canterbury now took him by the hand and led him to the throne. He knelt for a few minutes in prayer on the steps, arose, and was seated in it by the two archbishops. As soon as the acclamations had subsided, the primate stepping forward, made a short harangue, in which he undertook to prove, that a monarch in the vigour of manhood was a blessing, a young and inexperienced prince was a curse to a people. At the conclusion the king rose. “Sirs,” said he, “I thank

* He descended from Henry III. both by father and mother.



Philippa, queen of Portugal, Henry IV. Elizabeth, dutchess of Exeter. But he could not claim by the father's side, because the young earl of March was sprung from the duke of Clarence, the elder brother of John of Ghent: nor by the mother's side, because she was sprung from Edmund of Lancaster, a younger brother of Edward I. It was pretended that Edmund was the elder brother: but it was never proved. To this tale the bishop of Carlisle alluded in his speech before mentioned.

God, and you, spiritual and temporal, and all estates of the land: and do you to wit, it is not my will that no man think that by way of conquest, I would disinherit any man of his heritage, franchises, or other rights that him ought to have, nor put him out of that he has, and has had by the good laws and customs of the realm, except those persons that has been against the good purpose, and the common profit of the realm.”*

With the authority of Richard had expired that of the parliament, and of the royal officers. Henry immediately summoned the same parliament, to meet again in six days, appointed new officers of the crown, and as soon as he had received their oaths, retired in state to the royal apartments. Thus ended this eventful day, with the deposition of Richard of Bourdeaux, and the succession of his cousin Henry of Bolingbroke.

The features of Richard were handsome, but feminine; his manners abrupt; his utterance embarrassed. He possessed some taste for literature, and occasionally gave indications of resolution and spirit. But he was passionately fond of parade and pleasure: and the loss of his crown has been sometimes attributed to his extravagance and pecuniary exactions. It would, however, be difficult to prove, that his expenses were greater than those of his predecessors: it is certain, that his demands on the purses of his subjects were considerably less. “What concern have you,” he once observed to the commons, “with the establishment of my household, as long as I maintain it without asking you for assistance?”† His misfortunes may be more correctly traced to the early age at which he mounted the throne, and to the precautions taken by his mother and her friends to defeat the supposed designs of his uncles. By these he was estranged from the princes of his blood, whose pride refused to pay court to a boy; and whose neglect compelled him to fix his affections on his ministers and companions. Jealousies and rivalry ensued, which ended in the celebrated commission of government, and the ruin, perhaps originally undeserved, of the royal favourites. When the king had recovered the exercise of his authority, he reigned in comparative tranquillity for a long period; but his conduct in the twenty-first and twenty-second

* Rot. Parl. iii. 422, 423.

† Rot. Parl. 339. Richard appears from his will to have placed several sums, his own property, in different places of security, to the amount of 91,000 marks. Rym. viii. 77.

years of his reign, betrayed such a thirst for revenge, and habit of dissimulation, such despotic notions of government, and so fixed a purpose to rule without control, that no reader can be surprised at the catastrophe which followed. We may, indeed, abhor the wiles by which he was ensnared; may sympathise with him in his prison; and may condemn the policy which afterwards bereaved him of life; but at the same time we must acknowledge, that he deserved to be abandoned by the people, on whose liberties he had trampled; and to forfeit that authority which he sought to exalt above the laws and constitution of his country.

CHAP. IV.

HENRY IV.

SURNAMED OF BOLINGBROKE.

CONTEMPORARY PRINCES.

<i>Emperors of Ger.</i>	<i>Kings of Scotland.</i>	<i>King of France.</i>	<i>King of Spain.</i>	<i>Popes.</i>
Winceslaus 1400.	Robert III. 1405.	Charles VI.	Henry III.	Boniface IX. 1404.
Robert 1410.	James I.			Innocent VII. 1406.
Sigismund.				Gregory XII. 1409.
				Alexander V. 1410.
				John XXIII.

CORONATION OF THE NEW KING—INSURRECTION—DEATH OF RICHARD—WAR AGAINST THE SCOTS—REBELLION OF THE PERCIES—INSURRECTION IN YORKSHIRE—REBELLION OF OWEN GLENDOUR—TRANSACTIONS WITH FRANCE—SETTLEMENT OF THE CROWN—DEATH OF THE KING—PRIVILEGES AND AUTHORITY OF THE HOUSE OF COMMONS—STATUTES AGAINST THE LOLLARDS.

THE new king assumed the name of Henry IV., and was crowned within a fortnight after the deposition of his predecessor, on the anniversary of the day in which he went into banishment. The ceremony was performed after the usual manner, but with this addition, that the sword, which he wore when he landed at Ravenspurn, was borne naked, on his left hand, by the earl of Northumberland during the procession.*

Coronation
of Henry.
1399.
Oct. 13.

The new parliament had already assembled: and as its members were the same individuals who sate in the last, displayed an equal obsequiousness to the will of the monarch. All the vindictive acts of the twenty-first year of the late

Proceed-
ings of the
new parlia-
ment.

* The earl received the Isle of Man, which had belonged to sir William le Scroop earl of Wiltshire, in fee for himself and his heirs for the service of carrying this sword at the present and all future coronations. Rym. viii. 89. 91. 95.

reign were repealed; the proceedings of the eleventh year against the favourites of Richard were recalled into force; and the attainders of the earls of Arundel and Warwick were reversed. The introduction of an act of settlement would have supposed the possibility of a doubt as to the king's title to the crown. This was therefore avoided: but his eldest son was created prince of Wales, duke of Guienne, Lancaster, and Cornwall, and earl of Chester; and was declared in parliament the apparent heir to the throne. The name of the earl of March, the real claimant, was never mentioned. His friends wisely withheld his right from discussion: and the king was satisfied with keeping him and his brother (the eldest was only in his seventeenth year) in an honourable confinement at the royal castle of Windsor.*

The lords, who had formerly appealed the duke of Gloucester and his associates of treason, were now summoned to justify their conduct. They all made the same defence: that they had neither advised nor framed the appeal; that they were compelled to put their seals to it by the threats of Richard; and that in prosecuting it they were no more guilty than the other lords, who in consequence had condemned the appellees. The discussion of this subject revived all the animosities of the last reign; and the lord Fitzwalter charged the duke of Albemarle with treason to Richard; the lord Morley, the earl of Salisbury with treason to both the late and the present king. The opprobrious terms of liar and traitor were bandied about from one side of the house to the other; no less than forty gauntlets of defiance were thrown on the floor: and it required all the prudence and authority of Henry to silence these passionate disputants. The consequence, however, proved favourable to the appellants; whose only punishment was the loss of the honours and the estates which they had obtained from Richard in reward for their appeal. The dukes of Albemarle, Surrey, and Exeter, the marquess of Dorset, and the earl of Gloucester, descended to the inferior rank from which they had been raised, and became again earls of Rutland, Kent, Huntingdon, and Somerset, and lord le Despenser.†

* Rot. Parl. iii. 425—428. 434, 436. Rym. viii. 91—94.

† Rot. Parl. iii. 449—452. It is singular that though the king had testified such a dislike to the earl of Salisbury, and had called upon him for his defence, he was unnoticed in the judgment. He had not indeed received any additional title for the appeal, and therefore could not be punished like his associates. Still it is strange that he should escape without any notice at all.

To prevent the recurrence of those vindictive proceedings, which had twice disgraced the last, and, from the temper of the lords, threatened to disgrace the present reign, several useful statutes were enacted. One confined the guilt of treason to the offences enumerated in the celebrated act of Edward III.; another abolished appeals of treason in parliament, and sent the accuser to the established courts of law; a third declared that the authority of parliament should never more be delegated to a committee of lords and commons; and a fourth forbade, under the heaviest penalties, any person besides the king to give liveries to his retainers. These badges had long been one of the principal expedients, by which the great lords were enabled to increase their power, and to maintain their quarrels. Whoever wore the livery, was bound in honour to espouse the cause, of the donor: and it was worn not only by those who received fees, or were engaged in actual services, but by as many as were willing to accept it as an honour, or in token of friendship, or with a view to future emolument.*

Salutary
laws.

Before the close of the session the lords spiritual and temporal were charged by the archbishop of Canterbury on the part of the king, to keep the resolution they were about to make an inviolable secret: and then the earl of Northumberland delivered to them a message, asking their advice respecting the future treatment of the deposed monarch, whose life the king was resolved to preserve at all events. They answered that he should be conducted secretly to some castle, where no concourse of people could assemble; should be placed under the custody of trusty officers; and should be

Judgment
of the late
king.
Oct. 23.

* Rot. Parl. iii. 428. 442. Stat. 1 Hen. IV. c. 10. 14. In the summer of this year a sect of fanatics suddenly appeared in Italy called Bianchi and Albati, because they wore a long white gown, and covered their faces with a white veil, that they might not be known. To the amount of some thousands they assembled in different places, and undertook pilgrimages of eight or ten days; during which they walked in procession from town to town, following a large crucifix, chanting hymns, and fasting on bread and water. They were opposed by the pope, and severely forbidden in France. Henry in this parliament issued a proclamation with the assent of the lords spiritual and temporal, ordering that if any of them arrived in an English harbour, they should not be permitted to land. Rot. Parl. iii. 428. It is singular that some Italian and contemporary writers should say, that the founders of the sect came from England or Scotland (see Spondanus, i. 671); and that the description of them in the proclamation should be nearly the same as that of the itinerant priests in the 5th of Richard II. In the first the Bianchi are called, *gentz vestuz de Blanche vesture, et soi pretendantz de grande saintete*: in the other the preachers are termed, *persones en certains habitz souz dissimulation de grant saintee*. Rot. Parl. iii. 124.

excluded from all communication with such as had formerly been in his service. Four days later the king
 Oct. 27. came to the house, adjudged the unfortunate Richard to imprisonment for life, and ordered him to be guarded in the manner suggested by the lords.*

Henry was now in possession of the grand object of his ambition: but he soon learned, that it was more easy to win the crown than to retain it. The hostility of foreign princes, who continued to treat him as an usurper, and the wavering fidelity of his own subjects, of whom some panted to revenge the wrongs of the late king, and others were discontent that their services had not been more amply rewarded, kept him in a state of perpetual alarm. During the lapse of nine years he was constantly harassed, sometimes by secret attempts on his life, sometimes by overt acts of rebellion, on one occasion by the inroads of the Scots, and on another by the descents of the French: but his powers seemed to grow with his difficulties, and by his vigilance, temper, and activity, he not only succeeded in keeping the crown on his own head, but peaceably transmitted it to his posterity. For the convenience of the reader I shall arrange these different occurrences under distinct heads.

Insurrec-
 tion of the
 lords ap-
 pellants.

I. The first attempt against Henry was made by five of the lords appellants, who had so narrowly escaped with their lives in the last parliament. Within a month after its dissolution they agreed to hold a tournament at Oxford, and employ that opportunity to seize the person of the king, and subsequently to proclaim and liberate Richard. During the Christmas holidays they assembled: but one of their number was wanting; and he, unknown to them, had proved a traitor. It is said that the earl of Rutland received a letter from some of his associates at table; that his father, the duke of York, insisted on learning its contents; and that the son, finding it impossible to conceal his secret, hastened to reveal it to Henry.

1400.
 Jan. 5. However that may be, on the evening of the day appointed, the conspirators with five hundred horse, surprised the castle of Windsor: but Henry, warned by Rutland, had left it in the morning, and was

* Rot. Parl. 426, 427. It should be observed that the members of this house of commons were in reality elected by the king. They had been chosen by writs issued in the name of Richard: but though the existence of the parliament was acknowledged to have expired at his deposition, and on that account Henry summoned a new parliament; yet the same representatives of the commons were ordered to attend, without having been again returned by their constituents.

already in London; where he had issued writs for their apprehension as traitors,* and was employed in levying troops to march against them. Alarmed and disconcerted, they resolved to retire into the west; proclaimed Richard in all the towns and villages on their route; and the next evening took up their quarters in Cirencester.† The mayor, who had already received the king's writ, summoned the burghers, and the inhabitants of the neighbourhood; and at midnight made an attack on the quarters of the earls of Kent and Salisbury. Every attempt to escape was repelled by the archers posted in the street; and after a defence of six hours these unfortunate noblemen were compelled to surrender. They were conducted into the abbey: but a fire which burst out the next evening was attributed to their partisans; and in the middle of the night they were brought forth and beheaded by the populace.‡ The lords Lumley and Despenser had proceeded forwards; but met with a similar fate from the citizens of Bristol. The earl of Huntingdon was taken in the neighbourhood of London, and put to death at Pleshy by the resentment of the tenants of the late duke of Gloucester. Henry was not displeased with these popular executions, since they removed the odium from himself: but he ordered the prisoners of inferior rank to be arraigned before the ordinary courts. Feriby and Maudlin, two of Richard's chaplains, were executed at London,§ sir Thomas Blount and sir Bennet Sely at Oxford.|| Having wreaked his vengeance on his ene-

Their failure and deaths.

Jan. 9.

* Rym. viii. 120.

† Ibid. 165.

‡ Rot. Parl. iv. 18. The women appear to have been very active in the king's cause, who to reward the inhabitants of Cirencester, made an annual grant of four does and a hogshead of wine to the men, and of six bucks and a hogshead of wine to the women of that town. Rym. viii. 250.

§ Feriby was one of Richard's attendants at Conway and Flint. His companion sir Stephen Scroop was also accused: but the reader will be pleased to learn, that at his trial before the constable and mareschal he was acquitted, and his accuser condemned. Rym. viii. 168.

|| That the reader may form a notion of the barbarous manner in which executions for treason were conducted, I will relate that of sir Thomas Blount in the words of a contemporary writer. "He was hanged: but the halter was soon cut, and he was made to sit on a bench before a great fire, and the executioner came with a razor in his hand, and knelt before sir Thomas, whose hands were tied, begging him to pardon his death, as he must do his office. Sir Thomas asked: 'Are you the person appointed to deliver me from this world?' The executioner answered: 'Yes, sir, I pray you pardon me.' And sir Thomas kissed him, and pardoned him his death. The executioner knelt down, and opened his belly, and cut out his bowels straight from below the stomach, and tied them with a string that the wind of the heart should not escape, and threw the bowels into the fire. Then sir Thomas was sitting before the fire, his belly open, and his bowels burn-

mies, the king issued a proclamation, by which he forbade all executions by private authority, and threatened with the penalties of treason every person who should presume to put another man to death without due process of law.

Death of Richard. This unsuccessful attempt sealed the doom of the late king. The earls had risen in the first week of January: before the end of the month, it was known that Richard had expired in the castle of Pontefract. It was said, that from the moment in which he heard of the execution of his brothers the earls of Kent and Huntingdon, he had obstinately refused to take any nourishment. But the report obtained little credit; and, though the king repeatedly asserted his innocence, both natives and foreigners refused to believe that the man, whose ambition had seized the crown, would feel any scruple in taking the life of his rival. The general belief was, that Richard had been starved to death by the orders of Henry, and that he lingered fifteen days before he expired.* According to another account (mentioned by a contemporary,) sir Robert Exton with seven assassins arrived at Pontefract on the eighth day after Henry had left Windsor. When Richard saw them enter his cell, aware of their design, he darted into the midst of them, wrested a battle-axe from one of the number, and laid several at his feet. But Exton gave him a stroke on the back of the head which brought him to the floor, and with a second stroke deprived him of life.† In whatever manner he died, Henry's agents concealed the truth with such fidelity, that it could never be discovered. As the body was conveyed to London, it was exposed to public view with the lower part of the face uncovered, that the spectators, acquainted with the features of Richard, might be satisfied of its identity. Henry attended at the obsequies at St. Paul's, and commanded the interment to be performed

ing before him. Sir Thomas Erpyngham, the king's chamberlain, insulting Blount, said to him in derision, 'Go seek a master that can cure you.' Blount only answered: 'Te deum laudamus. Blessed be the day on which I was born, and blessed be this day, for I shall die in the service of my sovereign lord, the noble king Richard.' The executioner knelt down before him, kissed him in a humble manner, and soon after, his head was cut off, and he was quartered." Relation, &c. MS. p. 232.

* Scroop, archbishop of York at the time, mentions his death by hunger, but adds (Ang. Sac. ii. 365) ut vulgariter dicitur. The great argument in favour of this opinion is drawn from the exposure of the body to the view of the public. But it should be remembered that the stroke said to be given to Richard by Exton, was on the back of the head, and that the only part of the body which was uncovered, was from the eyebrows to the throat: corpus ostensum fuit, ea pars saltem corporis per quod cognosci poterat, facies scilicet ab ima parte frontis usque ad guttur. Otterburne, 229.

† Relation, &c. MS. p. 230. Fabian, p. 377.

at Langley: but his son and successor removed the body to Westminster, and deposited it among the remains of the kings of England.

Among the persons implicated in this conspiracy were the two distinguished ecclesiastics, Roger Walden and Thomas Merks. The former, on the attainder and banishment of archbishop Arundel, had been raised to the see of Canterbury; but, as soon as the sentence pronounced against that prelate had been reversed, the pope revoked the bulls of institution granted to Walden, on the ground that they had been surreptitiously obtained: and that prelate was of course left without either jurisdiction or revenue. Merks was the intrepid bishop of Carlisle, with whom the reader is already acquainted. Henry, having in the face of the late declaration of parliament, prevailed on the pope to translate him to a bishopric out of the kingdom, to Cephalonia in the isle of Samos, had released him from his prison in the abbey of St. Alban's, and allowed him to go at large. Both these prelates were now arrested on suspicion, and committed to the Tower. Walden contrived to acquire the royal favour, obtained his liberty, and after some time was raised, at the solicitation of the primate, to the bishopric of London. But Merks was brought to trial before a commission appointed by the king, and condemned to suffer the punishment of a traitor. Henry, however, out of respect to his character, granted him a pardon: he was allowed, at the prayer of the pope, to obtain ecclesiastical preferment: and died at last rector of Todenham, in the county of Gloucester.*

Arresta.

II. One of the charges against the late unfortunate monarch was, that he had degenerated from the military virtues of his family. Anxious to escape a similar reproach, the new king determined to signalize the commencement of his reign by an expedition into Scotland. He hinted the design to his parliament: but it was thought imprudent to hazard discontent by the imposition of new taxes; and in a great council of the spiritual and temporal peers, it was agreed, that the former should give to the king a tenth of their incomes, and the latter should serve in the army with a certain number of men for a limited period, at their own charges.† Henry summoned all persons possessed of fees, wages, or annuities, granted by Edward III., the black prince, Richard II., or the duke of Lancaster, to meet him at

War with the Scots.

Feb. 9.

June 9.

* Rym. viii. 165.

† Rym. viii. 125.

York under the penalty of forfeiture;* and from the banks of

Aug. 6. the Tyne despatched heralds to king Robert, and the barons of Scotland, commanding them to appear before him in the castle of Edinburgh, on the 23d of August, and to do him homage for the Scottish crown and their several fiefs. He marched to Leith without opposition: but the castle of Edinburgh was in the hands of the duke of Rothsay, the eldest son of the king, who derided the pompous claims of his adversary, and offered to decide the quarrel in equal com-

Aug. 22. bat with one, two, or three hundred Scottish, against the same number of English, knights.† Henry ridiculed the proposal; and waited several days for the arrival of the Scottish army, under the duke of Albany, who acted as regent during the infirmity of the king. But the duke was too prudent to attack an enemy, who was already defeated by famine: and the English, having consumed their provisions, retired in haste within their own borders. It was a useless and inglorious expedition: but it afforded the king an occasion to exhibit, to his followers and the enemy, a moderation unknown in the annals of Scottish warfare. From humanity, or policy, he laboured to mitigate the horrors of invasion: his protection was instantly afforded to all who asked it; and the royal banner displayed from the steeple of the church, or the turret of the castle, secured the village and its inhabitants from the violence and rapacity of the soldiers.‡

Reports that Richard was still alive. This unsuccessful expedition encouraged the partisans of Richard, who had been taught to believe that he was still alive; that he had taken refuge at the Scottish court; and that he would shortly return to England at the head of a Scottish army. The report obtained credit in both kingdoms:

associations were formed in favour of the dethroned monarch: and every act of the new government was invidiously scrutinized, and severely condemned. The king issued proclamation after proclamation against the authors of false reports; and directed a statement of his conduct to be laid before the freeholders of each shire, at the next county court. Sir Roger Clarendon, a natural son of the black prince, nine Franciscan friars, whose order had always been patronized by Richard, and other persons, in different places, were executed as traitors, for having affirmed that the late king was yet living.§

* Ibid. 146.

† Ibid. 155. 157.

‡ Fordum, xv. 11.

§ Rym. 255. 261—263. 267. Otterburne, 234.

In the mean time the war raged on the borders of the two realms. The Scottish earl of March, who, on account of some real or imaginary injury,* had given up his fealty to his own sovereign, and done homage to Henry, directed the inroads of the Percies into Scotland: and the earl of Douglas, who held the lands of the exile, exhorted the lords of the Lothians to retaliate by making similar incursions into Northumberland. It was agreed that each chieftain should hold the command in rotation: but in the second of these expeditions the invaders were intercepted by the earl of March on Nesbit moor; their commander, Hepburn of Hales, with many of his companions, perished; and the remainder, the flower of the Lothian chivalry, were made prisoners.† The earl Douglas, to revenge this loss, solicited and obtained the aid of the duke of Albany. At the head of ten thousand chosen troops, he burst through the marches, and spread the havoc of war along each bank of the Tyne. But the earl of Northumberland, his son Henry Percy, surnamed Hotspur, and the earl of March, assembled an army in the rear of the plunderers, and at Milfield, near Wooler, awaited their return. On Holyrood day was fought a great and decisive battle. The Scots occupied the hill of Homildon; the English the opposite eminence. Percy ordered his archers to descend into the valley, from which they discharged their arrows with such force and precision, that they provoked Douglas with his men at arms to advance, and attempt to disperse them. The archers retired slowly; and, halting at intervals, with repeated volleys arrested the progress of the enemy. Douglas was pierced with six wounds, and fell from his horse: the foremost and bravest of his companions experienced a similar fate: and the rest, disheartened and in confusion, fled towards the Tweed. Many were lost in attempting to cross that river: eight hundred were left on the field of battle. Among the wounded and captives were Douglas himself, Murdac Stewart, the son and heir of the regent, the earls of Moray and Angus, two barons, eighty French and Scottish knights, and many gentlemen of the first families in Scotland. . It is remarkable, that in this battle the English men at arms never drew the sword. It was won by the

June 22.

Battle of
Homildon
hill.

Sept. 14.

* The injury which he assigns as the cause in a letter to Henry, dated Dunbar, 18th February, 1400, is, that he "is gretly wrangit be the duc of Rothesay. The quhilk spousit my douchter, and now agayn his oblisying to me made be hys lettre and his seal, and agaynes the law of halikirk, spouses ane other wife." MS. Vesp. F. vii. 22.

† Ford. xv. 13.

archers alone, whose superior strength and dexterity had long been acknowledged by all the nations of Europe.*

Treatment
of the
prisoners.
Oct. 20.

The earl of Northumberland attended the next parliament with his prisoner Murdac Stewart, and six other captives, three Scottish, and three French knights. They were introduced to Henry in his palace at Westminster. They knelt thrice, at the entrance of the hall, in the middle, and at the foot of the throne; where sir Adam Forster, by the command of Murdac, thus addressed the king. "Most excellent and dread prince, my lord, who is here present, has directed me to request, both for himself and his companions, that you would treat them honourably and graciously, according to the law of arms." Henry coldly replied, that they were welcome: and Forster proceeded to exhort him to spare the further effusion of christian blood, and to treat of peace with his lord, who had been furnished with full powers for that purpose. But the king upbraided the speaker with his former cunning and duplicity, alleging, that had it not been for the fair but deceitful promises of Forster, he should not have retired from Edinburgh in his last campaign. Turning, however, to Murdac, he exhorted him to bear his captivity with resignation, and to recollect that he had been taken like a true knight on the field of battle. He then bade them rise, and invited them to dine at his table.†

Rebellion
of the Percies.

III. The next year was signalized by a most extraordinary attempt. The very men, who had raised Henry to the throne, undertook to precipitate him from it. What were the wrongs, which prompted the Percies to take up arms against a prince of their own creation, it is not easy to ascertain: by modern writers their conduct is generally ascribed to the resentment, raised by a royal order forbidding them to liberate or ransom their prisoners. But such prohibitions had frequently been issued by former kings; and Henry at the same time saved to the captors all their rights; and soon afterwards granted to the earl of Northumberland, in reward of his services, several valuable manors, and the greater portion of the lands belonging to the earl Douglas.‡ The real origin of the quarrel is perhaps that which was assigned by the insurgents themselves. In the course of the war between the English and Owen Glendour, the Welsh chieftain, (a war which will be hereafter noticed at greater

1403.
March 2.

* Otterb. 237. Ford. xv. 14. Rym. ix. 26.

† Rot. Parl. iii. 487.

‡ Rym. viii. 278. 289.

length,) the lord Grey of Ruthyn, and sir Edmund Mortimer, had fallen into the hands of the enemy. The former was a staunch friend to the king, who allowed his relations to redeem him by the payment of ten thousand marks. The latter was uncle to the young earl of March, the lawful heir to the throne, and of course an object of jealousy to Henry,* who, when his kinsmen solicited a similar permission, gave them a peremptory refusal. This unexpected answer irritated Hotspur, who had married Elisabeth, the sister of Edmund: his father the earl of Northumberland, and his uncle the earl of Worcester, shared his discontent: and Scroop the archbishop of York, to whom they applied for advice, exhorted them to despise the authority of an usurper, and to draw the sword in the cause of the rightful heir.† A numerous and powerful confederacy was formed: the earl Douglas, in return for his liberty, engaged to join in the quarrel with all his retainers; and Owen is said to have given to Mortimer his daughter in marriage, and to have promised an aid of twelve thousand men. Hotspur (his father was confined to his bed by sickness) assembled an army, under the pretext of opposing the duke of Albany, who had entered the Lothians;‡ and as soon as he had been joined by Douglas and his Scots, directed his march towards the borders of Wales. On his road his numbers were swelled by the arrival of his uncle with a strong body of archers from Cheshire: and immediately a manifesto was published, in which the insurgents complained, that the king by his prodigality squandered away the treasure of the nation; and that his favourites, by their ascendancy over the royal mind, excluded the great lords from all access to the throne. Henry, who was already on his march to the north, condescended to reply, that the larger portion of the supplies voted in the last parliament had been paid to the Percies themselves, to defray the expenses of the Scottish war; and offered them a safe conduct to come to his court, expose their grievances, and return home. He had reached Burton upon Trent, when he heard of the route of the enemy: and turning to the left to prevent their junction with the Welsh, entered Shrewsbury at the moment that the insur-

July 16.

* Both the uncle and nephew were called Edmund, whence some writers have confounded them, and supposed that it was the young earl of March, who had fallen into the hands of Owen. He was at this time only ten years of age, and continued during the whole of this reign in the king's custody. See Rym. viii. 268. 591. 608. 639.

† Harding, apud "The Hereditary Right of the Crown." p. 82.

‡ Ford. xv. 17.

July 20. gents appeared in sight from the walls. Hotspur retired to Hartlefield at a short distance; and preparations were made on both sides for a general engagement.*

Defiance of the Percies. According to the laws of chivalry the confederates sent the king a defiance, which has been preserved by Harding, who was at that time in the service of Hotspur, and accompanied him the next day to the field of battle. In this instrument the Percies pronounce Henry false and perjured. 1. Because on his return to England he had sworn before them at Doncaster, that he would claim nothing more than his own inheritance and that of his wife; and yet he had imprisoned Richard his sovereign, had compelled him by threats to resign the crown, and under colour of that resignation had taken upon himself the style and authority of king: 2. Because at the same time he had sworn that he would never consent to the imposition of any taxes without the previous consent of the parliament; and yet he had frequently caused tenths and fifteenths to be levied by his own power and the dread which he inspired: 3. Because he had also sworn that Richard, as long as he lived, should enjoy every royal prerogative; and yet had caused the same prince to be kept for fifteen days without meat or drink in the castle of Pontefract, whereof he died: 4. Because at the death of Richard he had kept possession of the crown, which then belonged to the young earl of March, the next and direct heir: 5. Because, though he had sworn to govern according to law, he had treacherously and against the law destroyed the freedom of election, and caused his own creatures to be returned as representatives of the counties in parliament; and lastly, because he had declared the Percies traitors for having negociated with Owen Glendour for the release of sir Edmund Mortimer, after the royal permission had been refused. They then conclude thus: "For these reasons we do mortally defy thee, and thy accomplices and adherents, as traitors, and subverters of the commonwealth and kingdom, and invaders, oppressors, and usurpers, of the rights of the true and direct heir of England and France; and we intend to prove it this day by force of arms with the aid of Almighty God."†

King's answer. When Henry had perused the defiance, he replied, that he had no time to lose in writing an answer: that he would prove by the sword that

* Rym. viii. 313. Wals. 368. Otterb. 239.

† This defiance is printed at length from the Harleian MS. 42. f. 152, in "The Hereditary Right of the Crown," p. 82—84, and in Hall, f. 21; but the latter, of his own authority, has made Edmund Mortimer, the earl of March.

the quarrel of the Percies was false and feigned: and that he had no doubt but God would give him the victory over perjured traitors.* The next morning was fought one of the most obstinate and bloody battles recorded in English history.

The two armies were nearly equal, consisting severally of about fourteen thousand men of approved valour. As soon as they were arrayed in front of each other, the king, apprehensive of the result, sent the abbot of Shrewsbury to his opponents, with proposals of peace, which after a long hesitation, were rejected by the advice of the earl of Worcester. "Then, banner, advance," cried Henry. The air resounded with the adverse shouts of "St. George," and "Esperance, Percy;" and the archers on both sides discharged their arrows with the most murderous effect. Percy and Douglas, who had long been rivals for glory, and were esteemed two of the most valorous knights in christendom, rushed with thirty attendants into the centre of the enemy. Every thing yielded before them. The king's guards were dispersed: the earl of Stafford, sir Walter Blount, and two others, who, to deceive the enemy, wore the royal arms, were slain: the standard was beaten to the ground; and the prince of Wales received a wound in his face. Their object had been to kill or secure the person of Henry; but he, by the advice of the Scottish earl of March, had changed his armour; and was performing the duty of a valiant warrior in a distant part of the field. The two chiefs, disappointed in their expectations, determined to cut back their way through the enemy, who had closed behind them; and they had nearly effected their purpose, when the Northumbrian fell by an arrow, which seems to have been shot at random, and pierced his brain. With him fell the courage and the confidence of his followers, who, as soon as their loss was ascertained, fled in every direction. The battle had continued three hours: the killed and wounded on the part of the king amounted almost to five thousand, on that of the insurgents to a much greater number. Among the prisoners were the earl Douglas, and the earl of Worcester, the baron of Kinderton, and sir Richard Vernon. The first received from the conqueror all that courtesy which was usually shown to foreign prisoners of high rank: the other three suffered the punishment of traitors.†

Battle of
Shrews-
bury.

July 21.

July 23.

* Hall, f. 22.

† Otterb. 242—244. Ypodig. Neust. 560. Hall, f. 22. Rym. viii. 320. If we may believe a manifesto by the Yorkshire insurgents, after the body of Henry Percy had been solemnly buried, the king ordered it to be dug up, placed on the pillory, beheaded, and quartered. Ang. Sac. ii. 366.

Submission of the earl of Northumberland. The morning after this victory the king despatched orders to the earl of Westmoreland and Robert Waterton, to oppose the progress of the earl of Northumberland, who had recovered from his indisposition, and was marching at the head of his retainers through the county of Durham.* But he soon received the melancholy intelligence of the death of his son and his brother, and of the destruction of their party; and returning by Newcastle, which shut its gates, retired to his castle of Warkworth, and disbanded his forces. At the com-

Aug. 11. mand of the conqueror he repaired with a small retinue to York, where he was received with evident marks of dissatisfaction. His protestations that Hotspur had acted in disobedience to his commands, and that the troops which he had raised, were intended to reinforce the royal army, were neither admitted nor rejected; but the earl was detained in safe though honourable custody, to plead his cause in the next parliament. Meanwhile Henry issued or-

Oct. 8. ders for the arrest of the lady Elisabeth, the widow of Hotspur; compelled the Northumbrian knights to swear fealty to him against their earl;

Nov. 22. and promised pardon to all, who should throw themselves on his mercy.†

He is pardoned. When the parliament assembled, the earl presented to the king his petition, acknowledging that he had broken the law by the giving of liveries, and the gathering of his retainers: but reminding Henry that he had in obedience to his command surrendered himself

1404. Feb. 7. at York, and had received from him an assurance that "all graceless he should not go." The king had commissioned the judges to decide on the nature of the offences, which the earl had confessed: but the lords, declaring that the judgment belonged to them, pronounced that he had not been guilty either of treason or of felony, but only of trespasses, for which he was bound to pay a fine at the king's pleasure. He then swore fealty to Henry, to the prince of Wales, to the other sons of the king, and their issue; and in return obtained a full remission of all fines and penalties. As report had included several prelates and lords among the conspirators, he solemnly declared that he knew nothing to the prejudice of the duke of York, or of the archbishop of Canterbury, or of any other person generally sus-

* Rym. viii. 319.

† Rym. viii. 322, 333. 338.

pected, but that he held them all to be, and to have been, true and faithful subjects to their sovereign.*

Before the conclusion of the session, was passed an act of amnesty, from the benefit of which were excepted three persons of the name of Serle, Ward, and Donet.† They had engaged in a plot to persuade the public of the existence of king Richard. Serle had been chamberlain to that prince, and had retired to Paris, whence the report of Richard's escape had called him to Scotland. Disappointed in his hope of finding his master alive, he prevailed on Ward to personate the deceased monarch;‡ and having counterfeited Richard's privy seal, despatched in his name letters to his friends in England. Many were deceived: but Henry had the good fortune to discover all the secrets of the conspiracy by the arrest of the messenger, who probably was Donet. Several abbots, who had expressed their belief that Richard was still living, were thrown into prison; and in addition the old countess of Oxford, the mother to the unfortunate duke of Ireland, who had distributed hands of gold and silver, the favours usually worn by the adherents of the late king. At last Serle himself was entrapped by the artifice of sir William Clifford, and conducted to the king at the castle of Pontefract. He is said to have disclosed every particular respecting the plot: and having been drawn on a sledge through all the towns between Pontefract and London, suffered the usual punishment of a traitor.§

A counter-
feit Ri-
chard.

June 24.

IV. The unsuccessful issue of these successive insurrections, however it might disappoint, did not extinguish the hopes of the king's enemies. The families of the slain still thirsted for revenge; and the annual taxes which Henry was compelled to demand, augmented the discontent of the people. To relieve his poverty he had made an attempt, with the aid of the commons, to resume the grants of the crown, and to seize on some portion of the property of the church; and this attempt, though it proved unsuccessful, served to exasperate the minds of the most considerable among the laity and clergy.|| In the beginning of the year a woman,

Escape
and re-
capture of
the earl of
March.

Oct. 7.

* Rot. Parl. iii. 524—526. The duke of York who had fallen under suspicion was Edward, the former earl of Rutland. He had lately succeeded to the honours and estates of his father. Rot. Parl. iii. 533.

† Rot. Parl. iii. 544.

‡ Two years afterwards "the fool, who pretended to be the dead king Richard, was still living in Scotland." Rot. Parl. iii. 584.

§ Otterb. 248, 249. Wals. 370, 371.

|| Wals. 371. Rot. Parl. iii. 547—549.

the relict of the lord Spenser who had been executed at Bristol, undertook to liberate from confinement the young earl of March and his brother. By means of false keys

1405.

Feb. 15.

she procured access to their apartment, conducted them out of the castle of Windsor, and hurried them away towards the frontiers of Wales. But Henry's good fortune never deserted him. The alarm had been given: the fugitives were quickly pursued: the two princes re-occupied their former apartment: and the lady, on her examination be-

Feb. 17.

fore the council, perhaps to sooth the king's resentment, perhaps to excite his alarm, accused her brother the duke of York, of being privy not only to her attempt, but to several other conspiracies against him. Henry, who could not but recollect how often that prince, under the titles of duke of Albemarle, and earl of Rutland, had proved faithless to his associates, ordered him to be immediately arrested. If we may believe the suspicious language of the royal writs, he confessed his guilt: in his own petition he appears confident of proving his innocence. All his estates were seized for the king's profit: and the duke himself languished in prison, till the power of Henry was so firmly established, that he cared little for the resentment or the hostility of a duke of York.*

March 12.

Insurrec-
tion in
Yorkshire.

The king had assembled two great councils of barons and prelates at London and St. Alban's; and to his disappointment found in them a general disinclination to approve of the measures which he proposed.† Among the more violent opponents of the government was the lord Bardolf, who from St. Alban's repaired to the earl of Northumberland. That nobleman, though he had been restored to his estates, had been deprived of the offices of constable and warden of the marches, and had been compelled to sign an obligation to deliver into the king's hand, within a certain period, the castles of Berwick and Jedburgh, with their appurtenances, in exchange for other lands of the same value.‡ He readily listened to the council of Bardolf, and determined to make another attempt in opposition to Henry. At the same time the earl mareschal, the son of the late duke of Norfolk, discontented that his hereditary office of

* Rym. viii. 386. 388. Wals. 372. Otterb. 250. The lady Spenser in proof of her assertion produced her champion, William Maidstone, and offered to be burnt, if he should be vanquished. The duke accepted the challenge, but Henry imprisoned him. Otterb. ibid.

† Wals. 373.

‡ Rym. viii. 364.

mareschal should be possessed by the earl of Westmoreland, communicated his views to Scroop the archbishop of York, an enthusiastic defender of the claim of the earl of March. This prelate was brother to the faithful and favourite minister of Richard, the earl of Wiltshire, whom Henry had ordered to be executed at Bristol. He had long enjoyed the love and the veneration of the people; and the influence naturally attached to his station, was increased by the affability of his manners, the fame of his learning, and the sanctity of his life. He had already exhorted Henry to repent of his perjury and treason to Richard; and to a question from the earl of Northumberland had replied, that all who had contributed to place the present king on the throne, were bound, in justice to the real heir; to drive the usurper from it. It was not difficult for the discontented to draw a prelate of these sentiments into their party; though it is probable that he was not admitted into all their secrets. His object, he always asserted, was the reformation of grievances, and the restoration of harmony among the principal lords. The first who appeared in arms was sir John Falconberg, and three other knights in Cleveland: but they were immediately attacked, and dispersed by prince John, Henry's third son, and the earl of Westmoreland.* At the same time an instrument, divided into ten articles of accusation against the king, was fixed on the doors of the churches in York and the neighbourhood. It ran in the names of A. B. C. D. proctors of the commonwealth of England; and charged Henry with perjury, rebellion, usurpation, the murder of his sovereign, irreligion, extortion, and the illegal execution of many clergymen and gentlemen.† Eight thousand men assembled at Shipton on the moor, a few miles from York, with the archbishop and the earl mareschal at their head. To disperse them, the prince, with the earl of Westmoreland, hastened to the forest of Galtres. The latter requested and obtained a conference with the opposite leaders, in the open space between the two armies. The archbishop declared that he had come, not to make war but peace, and particularized the different grievances which he thought it necessary to redress for the prosperity of the kingdom. By some it is said, that the earl deceived the simplicity of the aged prelate, by assenting to all his proposals: by others, that he persuaded him to disband his followers, as the only means of appeasing

Archbishop
Scroop.

May.

May 29.

* Rot. Parl. viii. 604.

† Ang. Sac. 362.

the king, and procuring a favourable answer to his petitions. However that may be, both the archbishop and the earl mareschal were unexpectedly and forcibly conducted to the army of the royalists; and the insurgents, learning the captivity of their leaders, retired to their homes.* Henry, at the first rumour of these commotions, had marched towards the north: at Pontefract the two captives were presented to him, and ordered to follow the court to Bishopsthorp, a palace belonging to the primate. There the king commanded the chief justice Gascoigne to pronounce on them the sentence of death: but that inflexible judge refused, on the plea that the laws gave him no jurisdiction over the life of the prelate; and that both he and the earl had a right to be tried by their peers. A more obsequious agent was found in a knight of the name of Fulthorpe, who, by the king's order, called them both before him, and without indictment or trial condemned them to be beheaded. Scroop immediately exclaimed: "The just and true God knows that I never intended evil against the person of king Henry; and I beg you to pray, that my death may not be revenged upon him or his friends." The judgment was immediately carried into execution. The archbishop suffered with the constancy, and acquired among the people the reputation, of a martyr. To the body of the earl was allotted a grave in the cathedral: his head was placed on a pike, and fixed upon the walls.† It is remarkable, that when the king, in parliament, required the temporal peers to declare the archbishop and the earl traitors, they replied, that, according to the representation given by prince John, their offence seemed to be treason; but that they were unwilling to decide without more deliberation, and desired that the question might be postponed till the next parliament, when every peer should be compelled to attend, and to give his opinion.‡ Henry had the prudence to acquiesce; and the matter was laid at rest for ever. Hence it may be fairly inferred, that the peers believed the assertions of the archbishop, and did not conceive him guilty of levying war against his sovereign.§

From York, which he deprived of its franchises, Henry advanced with thirty thousand men

His captivity and execution.

June 8.

Flight of the earl of

* Rot. Parl. viii. 605. Otterb. 255, 256. Wals. 373.

† Ang. Sac. ii. 370.

‡ Rot. Parl. iii. 606.

§ On this account, and on account of the style of the instrument, I have great doubt, whether the "articles" before mentioned could be traced to the archbishop.

against the earl of Northumberland. That noble-
 man, sensible of his inability to resist so over-
 whelming a force, had concluded a treaty with
 the regent of Scotland, and endeavoured by a letter to the
 duke of Orleans to interest the French court, in his favour.*
 He had delivered the town of Berwick to the Scots, who, on
 the approach of the royal forces, set it on fire, and retired be-
 yond the borders. The earl and lord Bardolf accompanied
 them. The castle made a show of resistance: but a shot from
 an enormous piece of ordnance shattered one of the towers;
 the garrison in dismay threw open the gates; and the son of
 the baron of Greystock, with his principal officers, was im-
 mediately executed. Henry successively reduced the other
 castles belonging to his enemies, and returned in triumph into
 the south.

But, though the king, at the head of a victorious army,
 might despise the murmurs of his subjects, who condemned
 the execution of the archbishop, he found it expedient to pal-
 liate or justify his conduct to pope Innocent VII. whose pre-
 decessor Gregory XII. had published a provisional sentence
 of excommunication against all who had been concerned in
 the death of that prelate. Henry alleged in his own defence
 that Scroop had levied war against his sovereign, a crime
 which the laws of England punished with death; that he was
 made prisoner after a battle in which his followers, amounting
 to eight thousand men, had been defeated; that the royalists
 clamorously demanded his punishment, and threatened to
 join the rebels, if he were spared; and that the king reluc-
 tantly gave his consent, to prevent the evils which must have
 ensued, if his armed followers had taken the execution of jus-
 tice into their own hands.† What impression this answer
 made on the mind of Innocent, is uncertain; but he ordered
 the excommunication to be removed from all who declared

* Rot. Parl. viii. 605. From this letter it appears that the death of Rich-
 ard was still considered as doubtful. The earl says that "he has levied
 war against Henry of Lancaster, the ruler of England, to support the quar-
 rel of his sovereign lord the king Richard, if he is alive, and to revenge his
 death, if he be dead: and also to support the right quarrel, which his dread
 lady the queen of England, may reasonably have to the kingdom of Eng-
 land." Carte has given to these words a meaning which they cannot bear:
 "to obtain justice for the queen in point of her jointure." (Carte, p. 667.)
 They perhaps allude to her right in the supposition of her husband being
 still alive.

† The reader will observe that it is impossible to reconcile this account
 with that which has previously been given from our historians. Are we to
 accuse them of disguising the truth out of enmity to the house of Lancaster,
 or the king of inventing falsehoods to appease the pontiff?

themselves sorry for the part which they had acted in the death of the archbishop.*

His return
and death.

For more than two years, Northumberland with his companion in exile wandered from place to place, sometimes requesting aid from the Scots, sometimes consulting the insurgents in Wales. Henry employed every artifice to obtain possession of their persons: they with equal vigilance defeated all his schemes, and sought the opportunity of inflicting some signal vengeance on their

1407.
Dec. 2.

antagonist. Their hopes were awakened by the contests in the parliament of 1407, and by the discontents created by the heavy subsidies, which the king demanded of his people.† A correspondence was opened with sir Thomas Rokeby: but the report that they were deceived by the artifice of that officer, rests on the very doubtful credit of Buchanan. In the beginning of the next year the earl and Bardolf burst into Northumberland, surprised several castles, raised the tenantry, who were still attached to their exiled lord, and augmenting their numbers as they advanced, penetrated as far as Knaresborough, where they were joined by sir Nicholas Tempest, who had distinguished himself in the cause of the archbishop. It is supposed to have been the policy of Rokeby, to oppose no obstacle to their progress, that he might intercept their retreat. But

1408.
Feb. 28.

having collected a body of tried men he now prevented them from crossing the river, and, following their footsteps, overtook them on Bramham moor, in the neighbourhood of Tadcaster. The contest was soon decided between the rabble of the insurgents and an experienced soldiery. The earl fell in the field: Bardolf was taken, but died of his wounds: and the quarters of these noblemen were distributed among the principal cities in the kingdom. The fines exacted from their adherents supplied the royal wants: and the constant failure of every attempt to disturb, contributed at length to ensure, the stability of the king's government.‡

Rebellion
of Owen
Glendour.

V. There was, however, another insurgent, who, with better fortune defied the power of Henry from the commencement to the end of his reign. Owen, commonly called Glendour, or of Glendourdy, who traced his descent from the last of the native princes of Wales, had been educated as “an apprentice

* Ep. Inn. VII. apud Raynald, v. 291.

† Rot. Parl. iii. 609. 611.

‡ Rym. viii. 520. 530. 545. Otterb. 261—263. Wals. 377.

of the law" in the inns of court, and had afterwards served as esquire in the household of the earl of Arundel or of Richard II.* His small property lay contiguous to that of a wealthy and powerful neighbour, the lord Grey de Ruthyn, who, despising the weakness of the Welshman, with little ceremony added a portion of it to his own. Glendour presented to parliament a petition, which was strongly supported by the bishop of St. Asaph, but contumeliously rejected through the influence of his opponent. 1400.

He therefore seized the first opportunity, the absence of the king in his expedition into Scotland, to do himself justice by force of arms. Henry resented the attempt as an insult to his authority: but if Owen was declared an outlaw by the English government, he on his part declared himself the rightful sovereign of Wales. The experiment proved that the spirit of freedom still lived in the breasts of the natives. The claim of the new prince was approved by them without investigation: adventurers hastened from the capital, the universities, and every quarter of the kingdom, to fight under his standard;† and Glendour indulged the flattering hope of restoring the independence of his country. So 1401.

anxious was Henry to crush this rebellion in its infancy, that within the space of two years he thrice led a powerful army into Wales; and was thrice baffled by the policy of Glendour, who retired among the mountains, and left his enemy to contend against the inclemency of the weather, and the asperities of the country. By degrees 1402.

the Welsh chieftain assumed a bolder attitude: and his victories over the lord Grey on the banks of the Vurnway, and sir Edmund Mortimer, near Knyghton in Radnorshire, attended with the captivity of these two commanders, added to his power and reputation, and again brought the king into the field.‡ Henry assembled all his forces at Shrews- June 22. Aug. 27.

* Otterb. 230. Lell. Coll. ii. 310. Wals. 364.

† "Feb. 21. The commons came before the king, and showed, how the Welsh scholars at Oxford and Cambridge have left these universities for their own country; and how the Welsh labourers in different parts of the kingdom, have suddenly returned into Wales, and have provided themselves with armoury, arrows, bows, and swords," &c. Rot. Parl. iii. 457. Several temporary laws were accordingly made respecting the residence of Welshmen in England, and the security to be given for their loyalty. Ibid. 472, 473. 476.

‡ Lell. Coll. ii. 310, 311. Otterb. 230, 231. 234. Rym. viii. 159. 167. 181. 225. Vit. Rich. II. 172—176. The indignities, almost incredible, offered to the dead bodies by the women of Wales, may be seen in Walsingham, p. 365.

bury; divided them into three armies under himself, his eldest son, and the earl of Arundel; and invaded Wales at the same time from three different quarters. Still all his efforts were unavailing: no enemy could be discovered: the heavens fought in the cause of the natives: the valleys were deluged with rain: the king's tent was carried away in a storm: and as it was generally believed that Glendour could "call the spirits from the vasty deep," Henry consoled himself in his retreat with the notion that he had been baffled, not by the conduct, but by the necromancy of his antagonist.*

Is support-
ed by
troops from
France.
1404.
June 14.

These repeated failures served to confirm the power of Owen. The whole of the north, and a great part of the south of Wales acknowledged his authority: even Charles of France received his ambassadors as those of an independent prince; and by a treaty of alliance offensive and defensive, engaged to send him assistance whenever it should be required.†

1405.
March 9.

Nov. 1.

But Henry had now committed the conduct of the war to his eldest son, a young hero of his own name, who by his activity and perseverance, and with the advice of prudent counsellors, gradually undermined the power of the Welshman. At Grosmont in Monmouthshire he gained a decisive victory over Griffith the son of Glendour; and pursuing his career, reduced after a long siege the castle of Lampeder in Cardiganshire. But the French auxiliaries to the number, probably exaggerated, of twelve thousand men, had now arrived and taken Carmarthen. The king hastened to the assistance of his son: but no action of importance followed; Henry, after the loss of fifty wagons conveying his treasure and provisions, retired; and the French, unable to subsist in a depopulated country, returned to their homes.‡

Is gradually
subdued.

Hitherto the councils of Henry had been distracted by the attempts of his domestic enemies: after the fall of Northumberland, and the termination of the insurrections in England, he was more at liberty to direct his attention to the war in Wales; and to furnish his indefatigable son with every necessary supply of men and provisions. The progress of the prince, though slow, was constant. At the end of four years, the southern division of Wales had entirely submitted. The natives of the north, disheartened by their misfortunes, insensibly withdrew them-

* Rym. viii. 271. Otterb. 235, 236. Wals. 365.

† Rym. viii. 356. 365. 382.

‡ Ibid. 390. 412. 419. Otterb. 258. Wals. 370. 374. Monstrel, i. 13.

selves from the standard of Glendour; and that chieftain appalled by the steady advance of his enemy, ordered the greater part of his forces to burst into Shropshire, and ravage the country, under the conduct of Rhees ap Du, and Philpot Scudamore. They were defeated, and their leaders suffered the punishment of treason. We are told that this misfortune broke the spirit of Owen: that he wandered for a time amidst the mountains; and then repaired in the habit of a shepherd to the house of his daughter at Monington in Herefordshire, where he remained in concealment till his death. But this account must be erroneous. From several writs, which are still extant, it appears that he contrived to spin out the contest among the wilds and mountains of Snowdon till long after the accession of the next sovereign.*

VI. We may now return to Henry's transactions with foreign powers. It was to him a most fortunate circumstance, that Charles of France continued for many years subject to fits of insanity, occasionally interrupted with lucid intervals: and that the government of that kingdom was divided and perplexed by the ambitious and opposite views of two powerful princes, the dukes of Burgundy and of Orleans. Henry on his accession perceived that a war with France, before his throne should be solidly established might shake it to the ground: and immediately after his coronation, despatched ambassadors to Paris, to propose matrimonial alliances between the different members of the royal families, and to solicit a renewal of the truce still existing between the two crowns. The first proposal was rejected with scorn: to the second Charles replied, that he should fulfil every engagement which he had contracted with Richard. The French king was warmly attached to that monarch: but his principal object at the time, was to procure the restoration of his daughter Isabella, of her jewels, and of two hundred thousand francs of gold, already paid into the English treasury. This money was part of the marriage portion, which, it had been agreed, should be repaid, if the princess became a widow before she had completed her twelfth year. To this demand Henry knew not how to reply. He could not spare so large a sum from his coffers: he dared not ask it from his subjects. His first expedient was to propose

Henry's
transactions
with
France.

1399.
Nov. 29.

* Rym. viii. 711. 753. ix. 283. 330. The last of these is a commission given by Henry V. and dated Feb. 24th, 1416, to sir Gilbert Talbot to treat with Meredith, the son of Glendour, concerning the submission of his father and the other rebels in Wales, if they desired it. From Ret. Parl. iv. 377, it is evident that Glendour himself never submitted.

a marriage between Isabella and his own son: his second to consult the universities, whether by law the personal obligations of Richard had descended to his successor. Neither answered his hopes: but

1400.
Nov. 12.

Charles with the natural solicitude of a parent consented to receive back his daughter with her jewels, and to reserve the restoration of the money for subsequent discussion. When the demand was again

1401.
Aug. 1.

1403.
July 21.

brought forward, the English envoys confounded their adversaries by unexpectedly meeting it with an opposite claim for one million five hundred thousand crowns, which still remained unpaid of the ransom originally owing for John king of France, who had been made prisoner at the battle of Poitiers.* From that moment the French court preserved a profound silence on the subject.

After the return of Isabella, Charles disdained to conceal his real sentiments. There was, indeed, no declaration of hostilities, no interruption of the external relations of amity: but the more powerful of the French nobility were encouraged

He is defied
by the
count of St.
Pol.

to insult Henry; to plunder his subjects; and to make descents on the most exposed parts of his dominions. To every complaint an evasive or offensive answer was returned: and for several years commissioners from the two governments assembled and adjourned, re-assembled and separated, without ever coming to a settlement of their differences. The most enterprising of the king's enemies was Walleran de St. Pol, who had married a sister of the dethroned monarch. He possessed large estates, and offices of emolument in France, and for them was amenable to the French government: but he was also a prince of the empire, and as such acted like an independent sovereign. He believed, or pretended to believe, that it was his duty to revenge the fate of his brother-in-law:

1402.
Feb. 10.

and the king of England received from Walleran's herald the following defiance. "To the most high and mighty prince Henry duke of Lancaster, I, Walleran of Luxemburgh count of Ligny and St. Pol, considering the affinity, love, and confederation, which existed between me and the most high and mighty prince Richard king of England, whose sister I married; and the death of the same king, of which you are notoriously accused, and for which your reputation is blemished; and, moreover, the great shame and loss that I and my posterity of his line may suffer for the time to come; and likewise the indignation

* See Rymer, viii. 108, 109, 128, 142, 152, 164, 186, 194, 203, 217, 315.

of Almighty God, and of all reasonable and honourable persons, if I do not expose myself to revenge the death of the said king, to whom I was allied: on these accounts I give you to know, that in every manner in my power I will do you harm; and every kind of injury by myself, my relations, my men, and my subjects, I will offer you, both by sea and land without the kingdom of France, entirely for the reasons above rehearsed, and not on account of any hostilities between my dread and sovereign lord the king of France, and the realm of England. And this I certify to you under my seal, at my castle of Luxemburgh, the 10th of February, 1402." This was followed by a singular exhibition. To testify his horror for the perfidy of the earl of Rutland, who had betrayed the secrets of his accomplices to Henry, Walleran's servants carried, by his orders, from the castle of Bohain the figure of a man decorated with the arms and device of Rutland, and in the dead of the night hung it on a gibbet at the gates of Calais. But his next operations were more serious. With a numerous squadron of ships he inflicted severe injuries on the inhabitants of the Isle of Wight, and of the southern coast of England. Three princes of the house of Bourbon, embarking in the same cause, burnt the town of Plymouth; and the admiral of Bretagne swept the narrow seas, and carried as prizes into the French ports a large carrack, and forty-nine smaller ships, with nearly two thousand prisoners.*

But that which sank still deeper into the mind of the king was a challenge which he received from his former friend and sworn brother,† Louis duke of Orleans, to fight with one hundred knights on a side in the marches of Guienne. After a silence of more than four months Henry replied by a letter, in which he expressed his astonishment at the receipt of such a challenge during the truce

And challenged by the duke of Orleans.

1402.

Aug. 7.

Dec. 15.

* Chroniques d'Enguerran de Monstrelet, vol. i. f. 13. A Paris, 1596.

† That the reader may form an idea of these contracts of friendship, I will translate that which was given by Louis to Henry, who sent it back to him when he received the challenge. It begins with a long catalogue of sovereigns and princes, the relations and friends of the contracting parties, whose interests are not to be affected by the present agreement. It then provides, "that there shall be, always and without intermission, the good affection of true love between the dukes of Lancaster and Orleans, as between true and honourable friends: that each shall always and in all places, be a friend and well-wisher to the friends and well-wishers of the other, and an enemy to his enemies, as becometh the honour and reputation of both: that at all times and in all places, in all things and concerns, each shall love, pursue, keep, and defend the health, the good, the honour, and the estate of the other both in word and deed, diligently and carefully, and as far as can be done, honourably and worthily: that in time and case of discord,

between the two kingdoms, and from one who had sworn to live with him in perpetual amity; reminded Lewis that he was a king, and that kings did not condescend to fight in private combat with any but their equals; and concluded by saying, that he should go to Guienne when he pleased, and take with him such knights as he pleased, and then his adversary might, if he chose, meet him in whatever manner he thought best, and should receive such satisfaction as he deserved.

1403. This answer provoked a repetition of the chal-
March 26. lenge, with reproaches of rebellion, usurpation
April 30. and murder. To the two first Henry made but
evasive replies. They came, he said, with a bad

grace from one who was not only privy to his designs, but had promised his aid to carry them into execution: and as to his right to the English crown, it was enough to satisfy his own conscience that he held it by the gift of the Almighty. But the charge of murder he met with the most emphatic denial. "If you mean that we had any hand in his death, we say that you lie, and will lie falsely, as often as you shall assert it: as the true God knows, whom we call to witness our innocence, offering, as a loyal prince ought, our body against yours, if you will or dare to prove it."* But these doughty champions upon paper never met in the field. Henry was more anxious to silence his adversary by the authority of the French government: and his ambassadors repeatedly complained of the challenge as of an infraction of the armistice. To their urgent demand for satisfaction the

June 27. following laconic reply was made. "Neither the king nor his council have ever broken, nor will they ever break their engagements. This is the only answer that can be returned."†

Keeps pos- In this extraordinary situation of pretended
session of friendship and of real enmity, the two govern-
the heir of ments watched each other, till the decision of
Scotland. Henry had crushed all his domestic opponents, and his good fortune, by two extraordinary occurrences, gave him the ascendancy both in Scotland and France. Robert

debate and war, they shall aid and defend each other with great desire, pure will, and perfect work, against and towards all princes, lords, barons, individuals, commonalties, colleges, universities, of whatever lordship, dignity, estate or condition they may be, by all means, remedies, acts, counsels, forces, aids, men at arms, troops, and other helps that they can or may: and that each shall rise, resist, and combat all the adversaries, warriors, and enemies of the other, and apply to it with all his thought, advice, and work, lawful and honourable, excepting always the persons named above." Dated 17th June, 1396. Monstrel. i, 9, 10.

* Monstrel. i. f. 8—13.

† Rym. viii. 310. Rot. Parl. 522.

king of Scotland, a weak but harmless prince, had allowed the reins of government to drop from his feeble grasp into the hands of his enterprising brother, the duke of Albany. Albany, who looked forward, if not to the throne, at least to the undisturbed possession and exercise of the royal authority, had contrived to throw his nephew, the duke of Rothsay, presumptive heir to the crown, into a prison, where, as it had been reported of the unfortunate Richard, he was suffered to perish through hunger. The fate of the elder brother admonished Robert, who lived in solitude in the Isle of Bute, to provide for the security of his second son James, only fourteen years of age, whom he sent, under the care of the earl of the Orkneys, with a recommendatory letter to Charles king of France. Unfortunately the young prince in his passage was taken off Flamborough head by an English cruiser, though a truce subsisted between the two crowns; and was offered an acceptable present to Henry, who sarcastically observed, that he could speak French as well as his brother Charles, and was equally capable of educating a king of Scotland. Instead of allowing the prisoner to continue his journey, he committed him to safe custody in the castle of Pevensey. The intelligence of the captivity of James broke the heart of his father: and Albany, sensible that the continuance of his own power depended on the duration of his nephew's confinement, became from that moment the obsequious servant of the king of England.*

1405.
March 30.

The other occurrence, which threw all France into commotion, was the murder of the duke of Orleans, the king's brother, and the adversary of Henry. It was perpetrated one evening in the streets of Paris, by eighteen assassins: two days later it was ascertained, by the avowal of the duke of Burgundy, that he was its real author. After a short flight he returned to Paris, accompanied by his friends and vassals; attempted to justify the deed; and was again received into favour by his weak and vascillating sovereign. The princes of the house of Orleans, after several ineffectual petitions for justice, sought their revenge by force of arms; and the whole kingdom was divided between the two parties of the Bourguignons and the Armagnacs. Henry viewed these commotions with pleasure. They served to occupy and to weaken the most formidable of his adversaries; and they offered him

Murder of
the duke of
Orleans.
1407.
Nov. 23.

* Fordum, xv. 18.

the opportunity of retaliating upon France, the injuries which for some years she had inflicted upon England. When the Armagnacs besieged Charles in Paris, Henry sent a thousand archers and eight hundred lances to the duke of Burgundy, who, with these auxiliaries, and his own forces, made his way into the capital, and compelled his enemies to retire.* The next year the duke prepared to follow up his success, and to reduce the Armagnacs to submission. But Henry had now listened to *their* proposals. The dukes of Berri, Orleans, and Bourbon, with the count of Alençon, consented for themselves and their associates, to acknowledge him for rightful duke of Aquitaine, to aid him to recover all the ancient rights and appurtenances of that dutchy; to hold of him, by homage and fealty, whatever they possessed within its limits; to restore to him twenty towns belonging to the royalties of the dutchy; and to give security that, at the deaths of the present possessor, the counties of Poitou and Angoulême should return to him and his heirs. Henry on his part, bound himself to assist them in every just quarrel, as his faithful vassals and subjects; to enter into no treaty with the duke of Burgundy, his children, brothers, or cousins, without their consent; and to send to their immediate assistance a thousand men at arms, and three thousand archers, to serve at their cost for three months.† The expectation of so powerful a reinforcement infused new spirits into the Armagnacs. When the duke of Burgundy, with the royal army, advanced to besiege the city of Bourges, the duke of Berri threw himself, with eight hundred men at arms, within the walls, and threatened to protract the defence to the last man. But there were, in both armies, persons who viewed with horror this unnatural war; and who dreaded the arrival of the English, as a means of adding to its continuance. It was not difficult to infuse the same sentiments into the principal officers, exhausted as they were by fatigue, and enfeebled by disease. An accommodation was at length effected. The Armagnacs submitted to the royal authority: the dukes of Orleans and Burgundy swore to forget their former differences; and, in order to cement their present friendship, the first engaged to marry a daughter of the latter. But the

* Monstrel. i. 132—136.

† Rym. vii. 738—742. It appears from the contracts between the king and the dukes of Clarence and York, and the earl of Dorset, that this army of 4000 men required 8000 horses, and that the pay of the military had for some reason or other considerably advanced. The men at arms had 1s. 6d., the archers 9d. per day. Ibid. 745. 749, 750.

joy caused by their reconciliation was immediately damped by the intelligence that Thomas duke of Clarence, second son to the king of England, had landed with an army in Normandy, had been joined by the counts of Alençon and Richmond, and was busily employed in laying waste the country as he advanced. It was in vain that the Armagnacs informed him of the pacification. Six hundred men at arms from Guienne hastened to his standard: Maine and Anjou were overrun and plundered; and the king of France was compelled to order all his forces to assemble at Chartres for the defence of the kingdom. But in the mean while the duke of Orleans visited the English general, agreed to pay him the sum of two hundred and nine thousand crowns, and gave his brother the count of Angouleme, as hostage for the fulfilment of this engagement. The duke of Clarence professed himself satisfied, and marched his army into Guienne. *

VII. While Henry was yet earl of Derby, he had married Mary de Bohun, daughter and co-heiress of the earl of Hereford. This lady bore him four sons, of whom the elder at his father's accession was in his twelfth year. To have introduced at that period any measure for the settlement of the crown, would have seemed to betray a secret doubt of the right, which the new king pretended to have to it: and he was content to receive from the lords and commons an oath of allegiance to himself, and after himself to his eldest son as the heir apparent.† Afterwards the victory, which he gained over the Percies at Shrewsbury, proved to him that even of his ancient friends many had become secret adherents to the insurgents: but he had the prudence to forego an inquiry which might have proved dangerous; and in a great council at Worcester required from all the lords spiritual and temporal a renewal of their allegiance. Two months later the same ceremony was repeated in another great council at London in presence of the ambassadors from France: and then, having thrice received the oaths of his subjects, he ventured to pass in parliament an act vesting the succession to the crown in his four sons and their heirs, in the order of seniority.‡ Besides these sons he had two daughters by the same mother: but they were purposely passed by, perhaps that he might not afford an additional argument in favour of the rightful heir, the earl of March, who claimed by the fe-

Settlement
of the
crown.

Oct.
1403.
Dec.

1404.
Feb. 9.

* Monstrel. 153, 154. 156.

† Rot. Parl. iii. 525. 575.

‡ Rot. Parl. iii. 426. 434.

male line. It was, however, plain that according to the late settlement, the daughters of his sons might inherit: and, therefore, to do away all ambiguity, two years later a new act was passed, limiting the succession to the crown of England and France to his sons and their issue male; and by this provision perpetually excluding the females.* But then

1406.
June 7.

it was asked, on what ground did he claim the crown of France? If females could not succeed to it, neither he nor his predecessors had any pretensions, since their right could descend to them only through a female, Isabella the mother of Edward III. This objection

Dec. 22.

disconcerted the king: and before the end of the session, the last act was repealed: and the right of succession to the two crowns was declared to reside in the sons of the king, and their general issue. But even then, though the claim of the females descending from the four princes was distinctly allowed, Henry's daughters themselves were not noticed.†

Conduct of
the prince
of Wales.

Of the four princes, Henry the eldest, from his proximity to the throne, chiefly attracted the public notice. In the battle of Shrewsbury he had given proofs of personal courage: the success of the war against the insurgents of Wales, which was carried on under his nominal command, reflected a lustre on his youth; and the commons, in an adulatory address, allotted to him the praise of three virtues, of filial respect for the king, of bravery in the field of battle, and of modesty in the readiness with which on all occasions he submitted his own judgment to that of his council.‡ His father, however, had little reason to be satisfied with his conduct. He was headstrong and impetuous in the pursuit of pleasure; and, when he was not actually employed in military service, plunged without restraint into all the vices and follies of youth. Probably the reader's recollection has already transported him to those pages, in which the frolics and the associates of the prince have been portrayed by the inimitable pencil of Shakspeare. It may be, indeed, that the particular facts and personages are the mere creatures of the poet's imagination: but it cannot be denied that they are perfectly in unison with the accounts of the more ancient writers, and the traditionary belief of the succeeding century. It should, however, be added, that in the midst of his excesses he occasionally displayed proofs of an ingenuous mind. It happened that one of his associates had

* Rot. Parl. 574—576.

† Ibid. 574.

‡ Ibid. 580—383.

been arraigned for felony before the chief justice Gascoigne, the same inflexible magistrate who had withstood the illegal commands of the king at York. The prince imperiously required the release of the prisoner; and, when that was refused, drew his sword on the judge. But Gascoigne coolly ordered him into confinement in the prison of the king's bench; and the young Henry had the good sense to submit to the punishment. When the incident was related to his father: "Happy," he exclaimed, "the monarch, who possesses a judge so resolute in the discharge of his duty, and a son so willing to yield to the authority of the law."*

But it was not only the immorality of the prince which created anxiety in the breast of his father. Unguarded and disrespectful expressions, which had dropt from him in the hours of merriment and intoxication, were officiously collected, and conveyed to Henry: and it was artfully insinuated that he ought to be on his guard against the attempts of an aspiring and unprincipled youth, whose court was already more numerously attended than his own. These suggestions, confirmed by his experience of the warm and enterprising temper of his son, made a deeper impression on the king's mind, than might have been expected: and the prince, to justify himself, wrote exculpatory letters to many of the lords, and proceeded with a numerous train of followers to expostulate with his father. He not only maintained his innocence, but demanded the punishment of his calumniators: and the monarch, to screen his own friends, required him to wait till the next meeting of parliament.† Yet even on such an occasion, if we may believe the earl of Ormond, an eye-witness, he displayed the usual eccentricity of his character. "He disguised himself in a gown of blue satin or damask, wrought full of oylet holes, and at every oylet the needle wherewith it was made, hanging still by the silk: and about his arm he wore a dog's collar set full of S. S. of gold, and the tirets of the same also of fine gold." Henry received him in his closet attended by four friends, before whom the prince, throwing himself on his knees, and presenting a dagger to his father, besought him to deprive him of life, since he had deprived him of the royal favour. This anecdote has been disputed; but it comes to us from good authority, and does not seem inconsistent with the character of the young prince.‡

He is suspected of aspiring to the throne.

1412.
June 29.

* Elmh. 12, and the apology of the prince in Luders, 79--82.

† Otterb. 271. Elmham alludes to this circumstance, p. 11.

‡ Apud. Stow, 339, 340.

King's bad health. To domestic trouble must be added the state of the king's health, and the anxieties of his conscience. Though he was only in his forty-sixth year, he bore about him all the symptoms of declining age. Soon after archbishop Scroop's insurrection he became afflicted with the most loathsome eruptions on his face, which by the common people were considered as a punishment for the death of that prelate: and a succession of epileptic fits, gradually increasing in violence, was now hurrying him to the grave. The prospect of his fate brought, we are told, to his recollection, the means by which he had acquired, and the blood by which he had preserved, the crown. He began at length to doubt the certainty of his favourite maxim, that the success of the enterprise was a proof that it had received the approbation of heaven. One day, when he was lying in a fit, and to all appearance was dead, the prince conveyed into another room the crown, which according to custom had been laid on a cushion by the bed-side. The king returning to himself, sternly asked, who had borne it away: and on the report of his guards, required the immediate return of the prince. Pacified by his dutiful expressions, he asked him with a sigh: "Alas! fair son, what right have you to the crown, when you know your father had none?" "My liege," answered the young Henry, "with the sword you won it, and with the sword I will keep it." After a pause the king faintly replied: "Well, do as you think best. I leave the issue to God, and hope he will have mercy on my soul."*

And death. His last fit seized him, while he was praying in St. Edward's chapel at Westminster. He was carried into the abbot's chamber, and quickly expired on the 20th of March, 1413, and in the fourteenth year of his reign.† Of his three younger sons, Thomas had been created duke of Clarence, John and Humphrey remained without any title. His daughters Blanche and Philippa had married, the first the duke of Bavaria, and the other the king of Denmark. By Jane his second wife he left no issue.

* Monstrel. i. 163. It is not improbable that this story was framed by the friends of the rival family.

† There is a strange story told by Clement Maydestone, on the authority of one of the persons employed to convey the king's body by water from Westminster for interment at Canterbury. Finding themselves in danger from a storm, they threw the dead body into the river in imitation of the mariners, who had treated the prophet Jonah in that manner, and proceeding to Canterbury, deposited the empty coffin in the grave. Peck, Desider. Curios. ii. 5.

In the preceding reigns the reader has observed the house of commons continually advancing with a silent but steady pace towards importance and authority: under Henry it assumed a still higher tone, addressed the sovereign with greater freedom, and pushed its inquiries into every department of the administration. The king's pecuniary embarrassments, the defect in his title, and the repeated insurrections in favour of Richard and the earl of March, made it his interest to court the affections of the people through their representatives:* and the men, who originally were deemed of no other use than to grant their money, became by almost imperceptible degrees a coequal and coefficient part of the legislature. The following particulars respecting their election, their immunities, and their proceedings, have been gleaned from the rolls of parliament.

Increasing importance of the house of commons.

1. As the importance of the knights of the shire increased, both the government and its opponents redoubled their exertions to procure the election of their respective friends. Much, however, depended on the partiality of the sheriff; who, as he was always appointed by the court, seldom hesitated to make an undue return at the request of the ministers. Such conduct had provoked frequent remonstrances during the last reign: they were renewed in the present; and as a remedy for the abuse, two statutes were now enacted. The first provided that in the next county court held after the delivery of the writ, the day and place of the intended parliament should be announced by proclamation; that all present, both suitors duly summoned for the purpose, and others, should immediately proceed to the election; and that the names of the persons so chosen, whether they were present or absent, should be certified by an indenture under the seals of all those who had voted in their favour. By the second the sheriff making a false return, or acting in opposition to the former statute, was subjected to a fine of one hundred pounds, and the judges of assize were empowered to inquire into such offences, and to pass sentence on the delinquents.†

Election of knights of the shire.

* On one occasion the king invited all the members to dine with him the next day.—Rot. Parl. iii. 493.

† Rot. Parl. iii. 601. 641. I am inclined to think that the word "others," the meaning of which is disputed, was intended to defeat the artifice of the sheriffs, who confined the election to the few suitors whom they summoned for the purpose. Even after this time, it is certain that many elections were made by a very small number of electors. And here I may instance the extraordinary return, made by the sheriff of the county of Dublin, of re-

Freedom from arrest. 2. The members of the lower, in common with those of the upper house, possessed by ancient custom the right of freedom from arrest or imprisonment. It included not only themselves but their attendants and servants; and extended from the day of their departure from their own homes to the moment of their return. This was a valuable, but in those ages a necessary, privilege. Many illegal practices still prevailed, which rendered it expedient, that those, who attended their duty in parliament, should be placed under the special protection of the law. Men were liable to arrests on false pretences at the suit of a malicious adversary: they were exposed during their journeys to be waylaid, maimed, or even murdered by enemies, who would not submit their quarrel to the decision of the law; and they were often in danger of being despoiled by the organized bands of robbers, which infested some of the counties. Henry acknowledged this privilege, but refused to strengthen it with additional penalties. When the commons petitioned that the offender, besides a fine to the king, should pay treble damages to the party aggrieved, he coldly replied, that the law had already provided a sufficient remedy. It chanced that soon afterwards an esquire belonging to the representative for Somerset was severely wounded in an assault by John Savage. The commons again petitioned the king. They requested, that to murder any member or his servant should be adjudged treason; to maim or disfigure him, should be punished with the loss of a hand; and to wound or beat him, should subject the offender to a heavy fine, and a year's imprisonment. Henry, however, evaded the petition; and issued a proclamation, ordering Savage, under severe penalties, to appear and take his trial before the justices of the king's bench.*

Freedom of debate. 3. Another, and a still more important, privilege, was that of freedom of debate. If, during the last reign, it had been impaired by the unconstitutional condemnation of Haxey, it recovered its former stability in the present, by the reversal of that condemnation. The speaker was careful to claim it for himself and his col-

presentatives to attend at a parliament held by Edward III. in England. The court consisted of no more than forty-four persons, of whom twenty-four elected Nicholas Houth and William Fitz-William, twenty elected Nicholas Houth and Richard White: and the sheriff returned the latter, because the twenty voters in his favour were of higher rank, and greater substance, than the twenty-four who voted for his competitor. *Lel. vol. i. App. p. 376.*

* *Rot. Parl. iii. 541, 542.*

leagues, not only at the beginning of each session, but almost as often as he addressed the throne: and to request, that the king would give no credence to reports of interested individuals, but believe that whatever was said in their debates proceeded from their attention to his real interests. Under the protection of this privilege the commons introduced a new practice, of presenting their petitions by word of mouth, instead of committing them to writing: an innovation greatly annoying to Henry, who was often distressed to return at the moment an appropriate answer. It was in vain that he commanded them to revert to the ancient custom. After a short interval the command was disobeyed: each new instance served to form a precedent; and before the end of the king's reign the practice was firmly established.*

Several of the addresses delivered by different speakers are still extant. They all commence with the most humble professions of loyalty and submission: soon a bolder tone is assumed: and they frequently end with a severe censure on the measures of government, or the characters of the ministers. Thus sir John Tibetot, as speaker, complained that Calais had been left without provisions; that in twelve months ninety-six towns and castles had been lost in Guienne; and the greater part of the lordship of Ireland had been conquered by the natives; that large sums had been unnecessarily squandered away in the marches of Scotland; that the inhabitants of the sea coast, and near the borders of Wales, had been impoverished by their exertions in their own defence; and that all estates in the realm were reduced to the lowest distress: whence he inferred that it was incumbent on the king to employ for the future more able and experienced ministers.† At length, however, towards the close of his reign, Henry ventured to check the growing freedom of the speakers: and

Addresses
delivered
by the
speaker.

* Rot. Parl. iii. 456. 523. 573.

† Ibid. 573. Frequently their addresses were delivered in bold and energetic language; occasionally they are degraded by the most puerile conceits. At the end of the session in 1401, the speaker compared the proceedings of parliament to the ceremonies of the mass. The speeches of the archbishop at the opening were likened to the epistle and gospel: the king had offered up the sacrifice by promising to support the doctrine of the church; and the commons were now come at the close to say "Deo gratias" (Ibid. p. 466). This is ridiculous enough: but I mention it to notice a still more ridiculous mistake by the compiler of Cobbett's Parliamentary History, who tells us that the king, lords, and commons, heard mass together, when the archbishop read the epistle and gospel, the king performed the sacrifice, and when they came to "Ite missa est" and "Deo gratias," the commons offered their grant. Vol. i. col. 288.

when Thomas Chaucer was presented to him for his approbation, replied that the new speaker should enjoy the same liberty as had been enjoyed by former speakers: but that he would not suffer the introduction of any novelty in parliament, and would remain in possession of the same franchises and prerogatives, which had belonged to his ancestors, the former kings of England.*

Authority
of the com-
mons.

4. The real authority of the commons had been defined in the first year of the reign. To one of their petitions the primate answered in the name of the king, that the commons, as they had acknowledged, were only petitioners and demandants: and that the king and lords alone had always been, and would be of right, judges of parliament: but that "it was the king's will to have the advice and assent of the commons in the enactment of statutes, and the

In making
statutes.

making of grants, subsidies, and such things, for the common profit of the realm."† They complained, however, (with what justice it is now impossible to ascertain, that by false and incorrect entries on the rolls, they were often made parties to enactments, to which they had never given their assent. As a remedy, therefore, they prayed that the proceedings might always be engrossed before the end of the session, and while the particulars were fresh in the recollection of the judges; but Henry, without noticing their project, replied, that, for the future, the substance of the proceedings should be committed to writing by the clerk of parliament, and laid before the king and the lords for their approbation. The commons rejoined by pointing out a case of false entry, and praying redress. The rolls were immediately opened: the judges examined them in presence of the two houses; and the king pronounced the entry correct, and the complaint groundless. This failure did not dishearten them; their remonstrances were renewed in succeeding parliaments: and at last it was agreed, that to prevent errors, every entry should be made in the presence of a deputation from the two houses.‡

In voting
money.

When Henry first ascended the throne, he sought by public professions of economy to fix the wavering fidelity of his subjects.§ But the insurrections so rapidly succeeding each other, plunged him into expenses, which it was not in his power to defray with the ordinary revenue of the crown: and to levy money by taxes, or tallages, imposed by his own authority, would, in

* Rot. Parl. iii. 648. |

† Ibid. 457, 458. 466. 585.

‡ Ibid. 427.

§ Wilk. Con. iii. 239.

his circumstance, have proved a most hazardous experiment. He preferred, therefore, to throw himself on the bounty of the nation, and thus contributed to establish the practice of what had long been the only legal method of raising extraordinary supplies. Neither had the king any reason to complain of the parsimony of his parliaments. In virtue of successive grants he enjoyed the tonnage and poundage, with the duties on wool and hides, during the whole of his reign, and in the course of fourteen years received eight tenths and eight fifteenths from the laity, with a proportionate number of tenths from the clergy. His wants, however, afforded opportunities to the commons of confirming and improving their newly acquired rights. They were careful to insert in their grants that the king could not lawfully raise such aids from his people without the previous assent of the lords and commons.* In his second year they made a bold attempt to emancipate themselves from the chief restraint, which the crown possessed over them, and prayed that their petitions might be answered, before they presented their grant of money. Henry immediately perceived their object: he consulted the lords: and on the last day of the session replied: "That such a manner of proceeding had never been known in the reigns of his predecessors: and that he would not allow any alteration in the good customs of ancient times."† During the minority of Richard II. they had occasionally been allowed to appropriate the supplies to particular services. This they now claimed as a right: and the king, that he might evade without offence the formal recognition of their claim, spontaneously offered what they would otherwise have demanded. In 1404 he ordered the estimates of the current year to be laid before them; promised to submit his household to the regulation of the lords; and proposed that the public money should be received and paid by treasurers to be appointed in parliament with the advice of the two houses.‡ From that period they generally appropriated the supply, excepting from it a certain sum to remain at the king's disposal; often exhorted him to moderate his expenses; demanded and procured for that purpose the banishment of four persons from his court,§ and of most

In appropriating the supplies.

* S'il ne soit par les volentes des seigneurs et comunes de vostre roy-
alme, et ceo de nouvell grante a faire en plein parlement. Rot. Parl. iii.
493. 547.

† Rot. Parl. iii. 458.

‡ Ibid. 523. 529.

§ Henry declared in parliament that he knew of no cause, why they should quit his service: but as he was convinced, that what the lords and

of the foreign attendants on the new queen from the kingdom;* and repeatedly extorted his assent to numerous articles of reformation in the government of his household, and of the whole realm. On one occasion they called for the receipts and disbursements of the last supply: but Henry replied, "that kings were not accustomed to account to their subjects:"† on another the accounts were granted, but with an observation, that it was not at the request of the commons, but because it was the will of the council.‡ On the whole, during this reign the commons seem to have firmly established their claim to vote the money of the nation, to appropriate it to particular services, and to inquire into all practices which tended to impoverish the crown, and all grievances which could increase the burdens of the people.

Before I close the subject, I must notice a singular dispute, which shows that the lower house had learned to appreciate its own importance, and knew how to maintain its own liberties. The king had called the lords before him, had exposed to them his wants, and had obtained their assent to a liberal supply. He then sent for a deputation of the commons, and informed them that he expected a similar proof of affection from their colleagues. At the report of the deputation the whole house was in a ferment: they contended that the most valuable of their privileges had been invaded; and interrupted for some time the course of public business. Henry had the wisdom to yield: and ordered the following declaration to be entered on the rolls: "That it shall be lawful for the lords in this parliament and in every parliament to come, to confer together, in the absence of the king, respecting the state of the realm, and the necessary remedies: and that it shall be lawful to the commons in like manner to confer together on the same state and remedies: provided always, that neither the lords on their part, nor the commons on theirs, make any report to the king of any grant granted by the commons, and assented

commons should ordain was for the advantage of the realm, he charged the said four persons to depart from his household. They were his confessor, the abbot of Dore, Richard Derham, and Crossby a valet of his chamber. Ibid. 523.

* Ibid. 527. The queen was Joan of Navarre, dutchess dowager of Bretagne.

† Rex breviter respondebat, quod egis non solebant computum dare, Wilk. Conc. iii. 282. We may suppose, however, that he yielded: for the same writer tells us that the laymen would grant no supply without the accounts; and we find that they did grant one, from the rolls.

‡ Baille a mesmes les communes, de la voluntee des ditz seignrs du conseil, et nient a l'instance ne request des ditz communes. Rot. Parl. iii. 609.

to by the lords, or of the communications between the two houses respecting the said grant, until the same lords and commons are of one assent and accord in this matter; and then in manner and form as hath been accustomed, that is, by the mouth of the speaker of the said commons; to the end that both lords and commons may have their thanks of the king." By this declaration Henry appears to have surrendered all claim on the part of the crown to interfere in debates on the subject of supplies: and to have left the two houses on a footing of perfect equality in that respect; though, after they had, by communication with each other, come to an understanding among themselves, the money was said to be "granted by the commons with the assent of the lords."*

This reign supplies the first instance of a capital execution for the theological crime of heresy. Crime of heresy.

Whether it were that men refused to distinguish between fact and opinion, and on that account visited erroneous persuasion with the same punishment as criminal action, it may not be easy to determine: but we unfortunately find that, in almost every country, whatever may have been the religious belief of the sovereign and the legislature, the severest penalties have repeatedly, and till a very late period, been enacted against dissent from the doctrines established by law. Sir Edward Coke, the great luminary of the English bar in the reign of queen Elizabeth, teaches that heresy is so extremely and fearfully punished, because it is a crime not against human, but divine Majesty: that it is an infectious leprosy of the soul; and must therefore be cut off, lest it diffuse the contagion.† It was perhaps some such metaphorical and fallacious reasoning, which persuaded the first christian emperors to class heresy among the offences liable to civil punishment: it was certainly their example which induced the princes of the northern nations to adopt after their conversion similar regulations. In 1215 the fourth council of Lateran decreed that persons convicted of heresy "should be left to the secular power to be dealt with according to due form of law:"‡ but this was not the introduction of a new sys-

* Ibid. 611. It is with much hesitation that I presume to differ from Mr. Hallam, whose valuable work on "The State of Europe during the Middle Ages" I have recently perused with profit and delight; but it appears to me that the complaint of the commons was not that the question respecting the grant had been first introduced in the house of lords, but only that the king had personally interfered in the matter. His answer leaves either house at liberty to debate on any matter in his absence, whenever it may think proper.

† Coke Inst. iii. 5.

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tem, but merely a declaration of what was then the common law of every country in Europe.

Lollards had been goaded with every species of provocation; and yet had exhibited the most exemplary forbearance. Their moderation seemed to invite and sharpen the attacks of their adversaries. The spirit of Wycliffe had lost nothing of its original asperity by transfusion into the breast of his successors. His itinerant preachers still declaimed to the passions and prejudices of the people, against the riches, the luxury, and the vices of the clergy; whom they described as the disciples and associates of Satan; as mercenary shepherds; whose object was to shear the flock here, and lead it to perdition hereafter; as the usurper of the patrimony of the poor, and of the revenues of the kingdom; as the real cause of the taxes voted by the parliament, and consequently of the poverty felt by the lower classes.* Such declamations might perhaps have been despised, had they not led to inferences and attempts of dangerous tendency. The people were advised, were even commanded not to pay their tithes: and plans were artfully framed, and obstinately pursued, to obtain the general confiscation of ecclesiastical property. Immediately on his accession Henry proclaimed himself the protector of the church against the assaults of the lollards. In the first convocation held during his reign his intentions were made known to the clergy by a royal message: at the opening of the second the king's commissioners, the earl of Northumberland, and Erpingham the lord chamberlain, exhorted the prelates and proctors to take measures for the suppression of the errors disseminated by the itinerant preachers; and promised them the royal favour and assistance in the pursuit of so necessary an

* Wilk, Con. iii. 208. 248. 345. et seq. Knyght. 2657—2669. Knyghton, who through curiosity attended some of their meetings, informs us that, according to their assertion, all good men came over to their sect: none refused but the wicked and reprobate. They called themselves true and evangelical preachers (*veros prædicatores et evangelicos*); their opponents false teachers and enemies of "God's law." He was surprised to observe how soon their disciples adopted the *cont* of their masters, and both men and women became teachers of evangelical doctrine (*unum modum statim loquelæ mirabiliter habuerant. Doctores evangelicæ doctrinæ tam viri quam mulieres subito effecti sunt*). See Knyghton, 2664, 2665. Though all the preachers seem to have studied in the school of Wycliffe, yet each distinguished himself by some particular doctrine. Most of their tenets were directed against the doctrines and possessions of the established church: others were subversive of the well-being of society: some must appear absurd to every rational reader: and a few were too indelicate to be mentioned. See Wilk. p. 248. 345. Knyght. 2669. Wals. 557.

object.* In the parliament, which began to sit at the same time, the king's intention to support the established religion was announced from the throne: and the commons in their address thanked him for his solicitude in favour of the doctrine, and his determination to preserve the liberties of the church.†

Encouraged by the royal invitation, and the disposition of the commons, the clergy presented a petition to the king in parliament; and an act was passed for the protection of the church, and the suppression of the new sect. The preamble sets forth, that divers unauthorized preachers go about teaching new doctrines and heretical opinions, making conventicles and confederacies, holding schools, writing books, misinforming the people, and daily committing enormities too horrible to be heard: and that the bishops are unable to repress these offences, because the offenders despise ecclesiastical censures, and when they are cited before their ordinaries, depart into another diocese: the statute therefore provides, as a remedy for these evils, that the bishop shall have power to arrest and confine the persons defamed or vehemently suspected of such offences, till they make their canonical purgation; and, if they be convicted, to punish them with imprisonment, and a fine to the king. It then enacts that if any person so convicted shall refuse to abjure such preachings, doctrines, opinions, schools, and informations, or after abjuration shall be proved to have relapsed, then the sheriff of the county, or the mayor and bailiffs of the nearest borough, shall, on requisition, be present at the pronouncing of the sentence, shall receive the person so condemned into custody, and shall cause him to be burnt on a high place before the people, that such punishment may strike terror into the minds of others.‡

Statute de
Heretico
combu-
rendo.

During this very parliament (whether before or after the passing of the act is uncertain) a petition was presented to the lords and commons by William Sawtre, begging that he might be permitted to dispute before them on the subject of religion. Such a request excited considerable surprise: but the enthusiast aspired to the crown of martyrdom; and had the satisfaction to fall a victim to his own folly. He had been rector of Lynn in Norfolk: but about two years before had been convicted of heresy, and deprived of his living. On his recantation he had been lately admitted a chaplain in

Execution
of Sawtre.

1399.

May 25.

* Wilk. Con. iii. 239, 254.

† Rot. Parl. iii. 466. Wilk. Conc. iii. 252.

‡ Rot. Parl. 454, 455.

1401.
Feb. 22. St. Osith's in London. The character of Sawtre, and the nature of the request, induced the convocation to summon him before them: and six days were allowed him to prepare his answer. The articles objected to him were those, of which he had been accused before the bishop of Norwich. With unparalleled effrontery he denied his former conviction and recantation; explained the other articles in an orthodox sense; but refused to give any satisfaction on the subject of the eucharist. The trial was adjourned from day to day: and the archbishop, notwithstanding the contempt and insolence of his answers, made a last effort to save him, by asking if he were content to stand on that question by the determination of the church. He answered, that he was, provided the determination were agreeable to the will of God: an evasion which of course was rejected. The record of his former conviction and recantation were now produced from the registry of the bishop of Norwich; and on the eleventh day from his arraignment he was pronounced by the primate a relapsed heretic, was degraded from his orders, and delivered into the custody of the constable and mareschal of England.* About a week afterwards, Henry consulted the temporal lords sitting in parliament;† and by their advice issued a precept to the mayor and sheriffs to execute the sentence of the law upon Sawtre. The unhappy man, instead of being shut up in an asylum for lunatics, was burnt to death as a malefactor in the presence of an immense multitude: and the commons by their speaker returned thanks to the king that, whereas “by bad doctrine the faith of holy church was on the point of being overturned, to the destruction of the king and kingdom, he had made and ordained a just remedy to the destruction of such doctrine and the pursuers thereof.”‡

Feb. 18.

Feb. 23.

Mar. 2.

Mar. 10.

* Con. iii. 255—260.

† During this parliament, and probably at this very time, the commons petitioned the king, that “when any man or woman was taken and imprisoned for lollardism, he might be instantly put on his answer and have such judgment as he deserved, for an example to others of such wicked sect, that they might soon cease their wicked preachings, and keep themselves to the christian faith.” It received the royal assent. Rot. Parl. iii. 473, 474.

‡ Rot. Parl. iii. 459. 466. There have been writers who have not hesitated to pronounce the statute against the lollards a forgery, entered on the rolls by the fraud of the clergy after the dismissal of parliament (Coke 4 Inst. p. 51. See also 3 Inst. p. 40.) But on what do they ground this charge? They observe that the assent of the commons is not mentioned in the statute, and assume that they were too well disposed in favour of the lollards to give their assent. Now, as the petition of the clergy was framed in Latin, the usual language of the convocation, the statute formed upon it, is also in Latin:

This severity did not, however, subdue the boldness of the preachers. They declaimed with redoubled animosity against the temporalities of the clergy, till the lay proprietors became alarmed for the security of their own possessions. In 1427 the subject attracted the notice of the house of lords: a petition was sent by them to the commons for their concurrence; and it was afterwards presented by the speaker to the king. It stated that the preachers excited the people to take away the possessions of the church, of which the clergy were as assuredly endowed as the temporal lords were of their inheritances; and that unless these evil purposes were speedily resisted, it was probable that in process of time they would also move the people to take away the possessions and inheritances of the temporal lords, and make them common, to the open commotion of the people, and the utter subversion of the realm. In consequence it was enacted that such persons, together with those who maintained that king Richard was still alive, and others who published false prophecies to delude the people, should be arrested and brought before the next parliament, to receive such judgment as the king and peers in their judicial authority should pronounce.*

Additional
statute.
Dec. 22.

Hitherto the commons had equalled, perhaps, surpassed the upper house in hostility to the lollards. Four years later Henry made the extraordinary request that the laity would empower him to raise a fifteenth, the clergy a tenth, in the years, in which he might not summon a parliament. Neither body would entertain the proposal: but the commons, to shift the burden from themselves, advised him to lay it on the

and though it does not mention the assent of the commons in express words, mentions the assent *magnatum et aliorum regni*, a phrase which in ancient times included all the members present in the parliament, and may therefore be supposed to have meant the same at this time. But however that be, it is certain that the commons gave their consent. Instead of being favourably disposed to the lollards, they thanked the king, as the reader has seen above, for his resolution to support the church, in the beginning of the session; they afterwards petitioned for severe measures against the preachers; and at the end expressed their obligations to Henry for having passed this very statute: *pur ceo que nostre Sr le Roy ent ad fait et ordeigne bon et joust remede en destruction de ticle doctrine, et de la secte d'icelle*. Rot. Parl. iii. 466. Moreover in the preamble to the statute itself it is said, that the commons joined in it. *Prælati et clerus, ac etiam communitates hujus regni*. Conc. iii. 528. By *communitates* I understand both estates, the lords and commons.

* Ibid. p. 583. This was only a temporary ordinance to last till the next parliament. (Ibid.) There is therefore no reason to suppose that it was excluded from the statute roll by the artifice of the clergy. Indeed Otterburne tells us that none of the statutes made at that time were carried into execution.—Otterb. 261.

church. From its superfluous revenues, so they pretended, he might maintain fifteen earls, fifteen hundred knights, and six thousand two hundred esquires; and also support one hundred hospitals for the relief of the poor. But when the king called for the grounds of this calculation, they had none to offer: and Henry severely reprimanded them for their presumption, and desired never more to hear of the subject.* This check appears to have silenced the advocates of the new doctrine during the remainder of his reign.

* Wals. 379. Otterb. 267. How far this account may be true is uncertain. No vestige of the transaction is to be found on the rolls, no notice is taken of it in the acts of the convocation, which was then sitting. Yet something extraordinary had passed. For on the 8th of February the commons prayed the king to give them back their petition respecting the statute against the lollards, and not to suffer any part of it to be enacted. He assented as a special favour, provided it were not drawn into a precedent. Rot. Parl. 623. What was the object of the petition, does not appear.

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